



H.R. 6147: Interior & Environment, Financial Services & General Government Appropriations Act, 2019 (Rep. Calvert, R-CA)

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FLOOR SCHEDULE:

H.R. 6147 is expected to be considered beginning on July 17, 2018, under a [structured rule](#).

The rule provides for consideration of the Rules Committee Print 115-81, consisting of the text of H.R. 6147, the Interior & Environment Appropriations Act, 2019, and H.R. 6258, the Financial Services & General Government Appropriations Act, 2019, as reported by the Committee on Appropriations.

The rule would generally waive all points of order against the bill.

The rule waives points of order against provisions in the bill, as amended for failure to comply with clause 2 or clause 5(a) of rule XXI, except beginning with the colon on page 251, line 5, through "2012" on page 251, line 8. Among other things, clauses 2 and 5(a) of rule XXI prohibit legislating in an appropriations bill and the inclusion tax or tariff measures in an appropriations bill, respectively. The cited provision would be exposed to a point of order at the request of the Chairman of the relevant authorizing committee under the [Armed Forces Protocol](#). The provision in question is as follows: "Provided further, That the Postal Service shall maintain and comply with service standards for First Class Mail and periodicals effective on July 1, 2012."

The rule would make in order 70 amendments to the Interior & Environment Appropriations Act and 16 amendments to the Financial Services & General Government Appropriations Act.

The rule would also provide for up to ten pro forma "strike the last word" amendments that may be offered by the Chair and Ranking Member of the Appropriations Committee for the purposes of debate.

Amendments will be summarized in additional Legislative Bulletins as they become available.

TOPLINE SUMMARY:

[H.R. 6147](#) would provide appropriations pursuant to the Interior & Environment Appropriations Act, 2019 for the Department of Interior (including the National Parks Service, the Fish and Wildlife Service, and the Bureau of Ocean Energy Management), the Environmental Protection Agency (EPA), the Forest Service, and a number of independent agencies such as the Smithsonian Institution, the National Endowments for the Arts and Humanities, the Kennedy Center, and the National Gallery of Art for Fiscal Year 2019.

The Committee Report for Interior & Environment Appropriations Act, 2019 can be found [here](#).

The bill would also provide appropriations pursuant to the Financial Services & General Government Appropriations Act, 2019 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 2019.

The Committee Report for the Financial Services & General Government Appropriations Act, 2019 can be found [here](#).

Title IX of the bill contains a number of financial reform provisions that reflect legislation that has previously passed the House; Title X contains the Email Privacy Act; and Title XI contains the Amateur Radio Parity Act.

COST:

According to a Congressional Budget Office (CBO) cost estimate, the bill would provide a net total of \$58.675 billion in Fiscal Year 2019 base discretionary budget authority that is subject to the Budget Control Act (BCA) discretionary spending caps (as increased by the Bipartisan Budget Act of 2018 (BBA18)).

Division A (Interior and Environment) would provide a net total of \$35.252 billion in base discretionary budget authority, all of which is non-defense. Division B (Financial Services) would provide a net total of \$23.423 billion in base discretionary budget authority, of which \$31 million is for defense and \$23.392 billion is for non-defense.

The bill would not provide any cap-exempt funding.

The bill's subcommittee spending levels comport with the revised [302\(b\) subcommittee allocations](#) established by the House Committee on Appropriations. According to the House Appropriations Committee, the 302(b) subcommittee allocations in sum meet the 302(a) spending level stipulated for the Appropriations by the Budget Committee in its "[deeming resolution](#)" as submitted and printed in the Congressional Record of May 10, 2018. The Appropriations Committee's 302(a) allocation of \$1.244 trillion adheres to FY 2019 base discretionary spending caps established by the Bipartisan Budget Act of 2018. The Committee Report for Division A (Interior and Environment) contains a [table](#) laying out its 302(b) compliance. The Committee Report for Division B (Financial Services) contains a [table](#) laying out its 302(b) compliance.

CONSERVATIVE CONCERNS:

Some conservatives may be concerned this appropriations bill is written to the \$1.244 trillion level, which is the maximum amount permitted under the [Bipartisan Budget Act of 2018](#), which 67 Republicans voted against. This was an increase from the \$1.091 trillion level set by the [Bipartisan Budget Act of 2015](#) (that raised the combined caps by \$30 billion), which [167 Republicans](#) voted against.

Concerns pertaining to individual provisions of the bill are contained in the Detailed Summary and Analysis section of this Legislative Bulletin below.

- **Expand the Size and Scope of the Federal Government?** The bill provides Interior & Environment and Financial Services & General Government funding at a level that is above the

discretionary spending caps set by the Bipartisan Budget Act of 2015, prior to their increase by the Bipartisan Budget Act of 2018. However, the funding for Interior & Environment and Financial Services & General Government is the same as enacted for FY2018. Funding for Interior & Environment is nearly \$7 billion higher than the President requested in his FY2019 Budget request.

- **Encroach into State or Local Authority?** Some conservatives may believe that many of the programs funded by the bill should be the responsibility of state and local governments.
- **Delegate Any Legislative Authority to the Executive Branch?** The bill would generally give the Secretary of Agriculture the authority to appoint, without regard for current laws pertaining to the examination, certification, and appointment federal civil and competitive service employees, former resource assistants meeting Office of Personnel Management (OPM) qualification standards to jobs with the Forest Service.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No, according to the [committee report](#) for the Interior & Environment and the [committee report](#) Financial Services & General Government. However, some conservatives may be concerned that bill would dictate that \$12 million of funds appropriated to the FWS shall be provided to the [National Fish and Wildlife Foundation](#), 501(c)(3). Some conservatives may interpret this appropriation to be in violation of the Republican Conference’s moratorium on earmarks. Additionally, The bill contains language that of the amounts provided to Office of Surface Mining, and notwithstanding the Federal share limits contained in section 705 of the Surface Mining Control and Reclamation Act of 1977 ([30 U.S.C. 1295](#)), up to \$2.3 million shall be awarded via grant to any State with active coal mine operations within its borders that does not have an approved State regulatory program under section 503 of the Surface Mining Control and Reclamation Act of 1977. Conservatives may interpret this language as an earmark and thus in violation of the House Republican Conference’s earmark moratorium because according to the [website](#) of the Office of Surface Mining Reclamation and Enforcement, “Only Tennessee has active coal mining” without an approved State regulatory program.

DETAILED SUMMARY AND ANALYSIS:

Division A: Department of the Interior, Environment, and Related Agencies Appropriations Act, 2019

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
35,252	28,276	35,252	0	+6,975

Net total discretionary budget authority appropriated by the Department of the Interior, Environment, and Related Agencies Appropriations bill for FY 2019 totals \$35.25 billion, equal to the FY 2018 enacted level, and \$6.98 billion more than the President’s request.

Title I: Department of the Interior

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY18 vs President
13,053	10,527	13,047	-7	+ 2,519

The bill would provide \$13.05 billion in appropriations for the Department of the Interior, a level that is \$2.5 billion above the President's Budget request and \$7 million less than the FY 2018 enacted level.

Bureau of Land Management (BLM): The bill would provide \$1.386 billion in discretionary appropriations for the BLM, a level \$367 million above the President's Budget request and \$55 million above the FY 2018 enacted level.

The bill would provide \$1.228 billion for Management of Lands and Resources, \$17.4 million for Land Acquisition coming from the Land and Water Conservation Fund, and \$107 million for Oregon and California Grant Lands. Many conservatives oppose funding land acquisition and increasing the property holding of the federal government.

Wild Horses & Burros: The bill contains language that would prohibit the use of BLM funds for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products.

U.S. Fish and Wildlife Service (FWS): The bill would provide \$1.583 billion in discretionary appropriations for the FWS, a level \$357 million above the President's Budget request and \$11 million below the FY 2018 enacted level.

The bill would provide \$1.288 billion for resource management, \$60 million for construction, \$47 million for land acquisition, \$53 million for the Cooperative Endangered Species Conservation Fund, \$42 million for the North American Wetlands Conservation Fund, \$4 million for Neotropical Migratory Bird Conservation, \$11 million for the Multinational Species Conservation Fund, and \$64 million for State and Tribal Wildlife Grants.

The bill would dictate that \$12 million of funds appropriated to the FWS shall be provided to the National Fish and Wildlife Foundation. Some conservatives may interpret this appropriation to be in violation of the Republican Conference's moratorium on earmarks.

National Park Service (NPS): The bill would provide \$3.25 billion in discretionary appropriations for the NPS, a level \$550 million above the President's Budget request and \$50 million above the FY 2018 enacted level.

Centennial of the NPS: The National Parks Service turned 100 years old in 2016. For the [Centennial Challenge](#) program, the bill would provide \$30 million to provide matching grants to "improve visitor services, support outreach to new audiences, and strengthen partnerships to reinvigorate national parks and forge connections to new communities." This may concern conservatives given that the President's Budget request would have not funded the program.

Bottled Water Sales in National Parks: The bill would prohibit the use of funds to eliminate the sale of bottled water in National Parks.

U.S. Geological Survey (USGS): The bill would provide \$1.17 billion in discretionary appropriations for the USGS, a level \$307 million above the President's Budget request and \$19 million above the FY 2018 enacted level.

Bureau of Ocean Energy Management (BOEM): The bill would provide \$130 million in net discretionary appropriations for the BOEM, a level \$1 million above the President's Budget request and \$16 million above the FY 2018 enacted level. This bureau is charged with offshore energy leasing activities, including developing the Five-Year Outer Continental Shelf Oil and Gas Leasing Program.

Bureau of Safety and Environmental Enforcement: The bill would provide \$136 million in net discretionary appropriations for the Bureau of Safety and Environmental Enforcement, a level \$4 million

more than the President's Budget request and \$12 million more than the FY 2018 enacted level. This bureau is charged with regulating safety of offshore energy activities.

Office of Surface Mining Reclamation and Enforcement (OSM): The bill would provide \$229 million in discretionary appropriations for the OSM, a level \$107 million above the President's Budget request and \$27 million below the FY 2018 enacted level. The OSM is charged with reclaiming abandoned coal mines for environmental purposes, often in cooperation with state agencies.

The bill contains language requiring that of the amounts provided to OSM, and notwithstanding the Federal share limits contained in section 705 of the Surface Mining Control and Reclamation Act of 1977 ([30 U.S.C. 1295](#)), up to \$2.3 million shall be awarded via grant to any State with active coal mine operations within its borders that does not have an approved State regulatory program under section 503 of the Surface Mining Control and Reclamation Act of 1977. Conservatives may interpret this language as an earmark and thus in violation of the House Republican Conference's earmark moratorium because according to the [website](#) of the Office of Surface Mining Reclamation and Enforcement, "Only Tennessee has active coal mining" without an approved State regulatory program.

Abandoned Mine Reclamation Fund: Within funding for the Office of Surface Mining Reclamation and Enforcement, the bill would provide \$115 million for payments from the Abandoned Mine Reclamation Fund under the [Abandoned Mine Land \(AML\) Reclamation Program](#), a level \$94 million above the President's Budget request and \$25 million above the FY 2018 enacted level. The AML program collects fees on coal production and distributes grants to states and tribes to reclaim land and waters damaged by coal mining. Of the total payments, \$26 million is derived from the Abandoned Mine Reclamation Fund and \$90 million is from the Treasury's General Fund. Within the total payments, the bill directs \$90 million to the three Appalachian States with the largest unfunded needs for the reclamation of Priority 1 and Priority 2 sites.

Indian Affairs: The bill would provide a total of \$3.1 billion in discretionary appropriations for the Bureau of Indian Affairs and the Bureau of Indian Education, a level \$689 million above the President's Budget request and \$40 million above the FY 2018 enacted level. These bureaus provide services such as law enforcement, elementary and secondary education, and social programs to 1.9 million Native Americans in the 567 federally recognized tribes.

Office of the Secretary: The bill would provide \$135 million for the Office of the Secretary to provide departmental operations, a level \$135 million above the President's Budget request of zero, and \$10 million above the FY 2018 enacted level.

Payments in Lieu of Taxes (PILT): The bill would provide \$500 million in discretionary funding for PILT, a level \$35 million above the President's Budget request and \$30 million less than the FY 2018 enacted level. This program compensates local governments for the lost property taxes within their jurisdiction because of untaxable federal land.

Wildland Fire: The bill would provide \$940 million for wildfire activities of the Department of the Interior. This level is equal to the ten-year average of expenditures for these activities.

The bill would also provide \$3 billion for wildland fire programs at the Department of the Interior. This includes an additional \$500 million above the 10-year average wildland fire suppression costs. Within this sum, \$1.165 billion would be appropriated for Wildfire Suppression operations, meeting the 10-year average expenditure on suppression activities. A CRS report on the wildfire programs can be found [here](#).

POLICY PROVISIONS:

Wild Horse and Burro: The bill authorizes the Interior department to enter into multi-year agreements with nonprofit organizations for the long-term care and maintenance of excess wild free roaming horses and

burros by such organization on private land. Agreements may not exceed 10 years. The bill also authorizes the Secretary of the Interior to transfer excess wild horses or burros that have been removed from the public lands to other Federal, State, and local government agencies for use as work animals.

Sage Grouse: The bill includes a provision that would prohibit the issuance of a proposed rule for the Sage grouse under the Endangered Species Act.

Gray Wolves: The bill includes a provision that would require the Interior Department within 60 days of enactment to re-issue final rules removing gray wolves in Wyoming and the Great Lakes region from listing under the Endangered Species Act. The bill also would require by the end of the fiscal year 2019 that the Interior Department to issue a rule to remove the gray wolf (except for the Mexican gray wolf) in each of the 48 contiguous states from the List of endangered and threatened wildlife.

Indian Distilleries: The bill would prohibit the use of funding to enforce the current federal law imposing a \$1,000 penalty for operating a distillery on Indian land.

BOEM Contribution Authority: The bill would extend from 2019 to 2024 the authority for the Secretary of the Interior to accept from public and private sources contributions of money and services for use by the Bureau of Ocean Energy Management or the Bureau of Safety and Environmental Enforcement to conduct work in support of the orderly exploration and development of Outer Continental Shelf resources.

Historic Designations: The bill would prohibit the use of funds to designate the Trestles Historic District, San Diego County, California, on the National Register of Historic Places.

Title II: Environmental Protection Agency (EPA)

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
8,058	6,191	7,958	- 100	- 1,766

The bill would provide \$7.958 billion in appropriations for the EPA, a level that is \$1.8 billion above the President’s Budget request, \$100 million below the current FY 2018 enacted level.

Science and Technology: The bill would provide \$651 million for EPA Science and Technology, a level that is \$202 million above the President’s Budget Request and \$63 million below the FY 2018 enacted level. This account funds research related to environmental, climate, and health concerns.

Environmental Programs and Management: The bill would provide \$2.433 billion for Environmental Programs and Management, a level \$648 million above the President’s Budget request and \$165 million below the FY 2018 enacted level. This account funds abatement, prevention, enforcement, and compliance activities of the EPA.

Clean Air: The bill would provide \$243 million for Clean Air activities, a level \$100 million above the President’s Budget request and \$30 million below the FY 2018 enacted level.

Great Lakes Restoration Initiative: The bill would provide \$300 million for the Great Lakes Restoration Initiative, a level that is \$270 million above the President’s Budget request and equal to the FY 2018 enacted level.

Hazardous Substances Superfund: The bill would provide \$1.167 billion for the Hazardous Substances Superfund, a level \$78 million above the President’s Budget request and \$75 million above the FY 2018 enacted level. This fund is used to clean up emergency hazardous materials, spills, and dangerous, uncontrolled, and abandoned hazardous waste sites.

State and Tribal Assistance Grants (STAG): The bill would provide \$3.89 billion for STAG, a level \$959 million above the President’s Budget request and \$326 million above the FY 2018 enacted level. STAG provides infrastructure assistance to local governments for environmental projects and categorical grants to state and tribal governments to operate environmental programs.

Water Infrastructure Programs : The bill would provide \$2.8 billion for water infrastructure programs, including \$1.4 billion for the Clean Water State Revolving Fund, a level that is the same as the President’s Budget request and the FY 2018 enacted level; \$863 million for the Drinking Water State Revolving Fund, a level that is the same as the President’s Budget request and the FY 2018 enacted level; and \$75 million for the Water Infrastructure Finance and Innovation Act (WIFIA) Program, including \$5 million for administration and \$45 for direct loan subsidies, a level that is \$30 million above the President’s Budget request and \$40 million above the FY 2018 enacted level.

The bill also provides that 10 percent of the Clean Water State Revolving Fund and 20 percent of Drinking Water State Revolving Fund made available to each state should be used for forgiveness of principal on negative interest loans.

Diesel Emissions Reduction Act (DERA) Grants: The bill would provide \$100 million for DERA. The [RSC Budget](#) recommended eliminating DERA grants because “Grants made under Diesel Emissions Reduction Act (DERA) have gone to wasteful projects involving cherry pickers, electrifying parking spaces at rest stops, and retrofitting old tractors.”

Fountain Pens: Under the bill, the EPA would not be authorized to obligate or expend more than \$50 to purchase of any individual fountain pen.

Title III: Related Agencies

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY18 vs President
13,365	11,558	13,882	+516	+ 2,323

The bill would provide \$13.882 billion in discretionary appropriations for the related agencies funded by the bill, a level \$2.3 billion above the President’s Budget request, \$516 million above the FY 2016 enacted level.

Forest Service: The bill would provide a total of \$6.132 billion for the U.S. Department of Agriculture Forest Service, a level \$1.5 billion above the President’s Budget request and \$197 million above the FY 2018 enacted level.

National Forest System: With Forest Service funds, the bill would provide \$1.972 billion for the National Forest System, a level \$252 million above the President’s Budget request and \$48 million above the FY 2018 enacted level.

The bill does not rescind funding from the Land and Water Conservation Fund as proposed by the President’s Rescission package, and as contained in [H.R. 3](#), Spending Cuts to Expired and Unnecessary Programs Act, passed by the House June 7, 2018.

Wildland Fire: The bill would provide \$3.004 billion for wildfire activities of the Forest Service. This level is \$500 million above the ten-year average of expenditures for these activities. In total, the bill would provide \$3.940 billion for wildland fire programs at the Department of the Interior and the Forest Service. A CRS report on the wildfire programs can be found [here](#).

Pursuant to the [FY 2018 Omnibus](#), wildfire suppression funding will be exempt from the Budget Control Act discretionary spending caps up to \$2.25 billion in FY 2020 and growing to \$2.95 billion in FY 2027.

Indian Health Service: The bill would provide \$5.907 billion for the Indian Health Service, a level \$484 million above the President's Budget request and \$370 million above the FY 2018 enacted level.

Smithsonian Institution: The bill would provide \$1.055 billion for the Smithsonian Institution, a level \$98 million above the President's Budget request and \$12 million above the FY 2018 enacted level.

National Gallery of Art: The bill would provide \$168 million for the National Gallery of Art, a level \$21 million below the President's Budget request and \$2 million above the FY 2018 enacted level.

Kennedy Center: The bill would provide a total of \$40.5 million in subsidies for the John F. Kennedy Center for the Performing Arts in Washington, D.C., a level \$3 million above the President's Budget request and equal to the FY 2018 enacted level.

The [RSC Budget](#) proposed eliminating this funding, stating "It is inappropriate for the federal government to subsidize a performing arts center in one of the wealthiest areas in the country." Article I, Section 8, Clause 8 of the [Constitution](#) states that "The Congress shall have Power ... To promote the ... useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." However, the enumerated powers in the Constitution do not explicitly include the authority for Congress to provide direct taxpayer subsidies for the arts.

Many conservatives may believe that these subsidies are not necessary; the Kennedy Center has the ability to charge market-rate ticket prices for its shows and events. Tickets for the Broadway show *Hamilton* [retail for \\$199-625](#), and are available on the secondary market for higher. The Kennedy Center's [website](#) currently lists 16 multinational corporations as Executive benefactors contributing at least \$250,000 annually and 17 in the Corporate Leadership Circle as giving over \$100,000 per year, along with other contributors. The Kennedy Center also accepts tax-deductible contributions from individuals.

The bill would also include the [reauthorization](#) for appropriations for the Kennedy Center for FY 2019. Some conservatives may be concerned this authorization would be [unlikely to pass](#) on its own merits. Some conservatives may also be concerned that including the authorization in the appropriation bill distorts the regular order process of providing oversight and accountability for federal spending projects.

Wilson Center: The bill would provide \$12 million for Woodrow Wilson International Center for Scholars, a level that is \$4.5 million above the President's Budget request and equal to the FY 2018 enacted level. The [Wilson Center](#) is a taxpayer funded "think tank".

National Endowment for the Arts. The bill would provide \$155 million for the [National Endowment for the Arts](#), a level that is \$126 million above the President's Budget request and \$2 million above the FY 2018 enacted level. The [RSC Budget](#) proposed eliminating this funding, stating "Support for the arts can easily, and more properly be found from non-governmental sources." The [Heritage Foundation](#) supports eliminating this program. Article I, Section 8, Clause 8 of the [Constitution](#) states that "The Congress shall have Power ... To promote the ... useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." However, the enumerated powers in the Constitution do not include the authority for Congress to provide direct taxpayer subsidies for the arts.

National Endowment for the Humanities. The bill would provide \$155 million for the [National Endowment for the Humanities](#), a level that is \$113 million above the President’s Budget request and \$2 million above the FY 2018 enacted level. The [RSC Budget](#) proposed eliminating this funding, stating “Support for the arts can easily, and more properly be found from non-governmental sources.” The [Heritage Foundation](#) supports eliminating this program. Article I, Section 8, Clause 8 of the [Constitution](#) states that “The Congress shall have Power ... To promote the ... useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.” However, the enumerated powers in the Constitution do not include the authority for Congress to provide direct taxpayer subsidies for the arts.

U.S. Holocaust Museum: The bill would provide \$58 million for the Holocaust Museum, a level \$1 million above the President’s Budget request and \$1 million below the FY 2018 enacted level.

Dwight Eisenhower Memorial: The bill would provide \$1.8 million for the Dwight D. Eisenhower Memorial Commission, a level \$30 million below the President’s Budget request and \$45 million below the FY 2018 enacted level.

POLICY PROVISIONS:

Waters of the United States: The bill would repeal the Army Corps of Engineers and the Environmental Protection Agency (EPA) rule changing the definition of “navigable waters” under the Clean Water Act. The bill also states that until such time as the EPA and Corps issue a new rule, and such rule goes into effect, any regulation or policy affected by the repealed rule shall be applied as if that repealed rule had not been issued.

In 2014, the EPA and the Corps proposed regulations that would reverse the long-standing definition of what waters would be regulated by the Clean Water Act. These regulations would place significant permitting and regulatory costs on many property owners. This regulation has been criticized by the [Heritage Foundation](#) as allowing regulation of “all ditches, except in narrow circumstances... even includ[ing] man-made ditches,” and by the [U.S. Chamber of Commerce](#) that it would “subject farmers, ranchers, manufacturers, home builders, local governments—nearly any property owner—to new layers of reviews and permitting.”

Prohibition on Lobbying: The bill includes a provision that would prohibit the use of funds to promote public support or opposition to legislation before Congress.

Greenhouse Gas Permitting: The bill includes a provision that would prohibit the EPA from implementing a regulation that would require permitting under the Clean Air Act for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

Manure Management Reporting: The bill includes a provision that would prohibit the EPA from implementing a regulation that would require reporting of greenhouse gas emissions from manure management systems.

Lead in Ammunition and Fishing Tackle: The bill includes a provision that would prohibit regulating the lead content of ammunition or fishing tackle.

Iron and Steel Domestic Sourcing Requirement: The bill would generally require that all iron and steel components used in public water system construction or improvements paid for with State water pollution control revolving funds must be produced in the United States. This provision may concern some conservatives.

Recreation Fee: The bill would extend through FY 2021 the authority of the Recreation User Fee currently authorized to be charged by the Department of the Interior’s Bureau of Land Management (BLM), Bureau of

Reclamation (BOR), National Park Service (NPS), and U.S. Fish and Wildlife Service (FWS), and the U.S. Department of Agriculture's Forest Service (USFS).

Permitting for Agricultural Activities: The bill includes a provision that would prohibit the use of funds to require permits for the discharge of dredged or fill material under the Clean Water Act (CWA) for agricultural activities identified in subparagraphs (A) and (C) of Section 404(f)(1) of the CWA.

Agricultural Nutrients: The bill would prevent the EPA from issuing regulations applying to animal feeding operation under the Solid Waste Disposal Act.

Closing Areas for Hunting and Shooting: The bill includes a provision that would prohibit the BLM from closing areas that were open to recreational hunting and shooting as of January 1, 2013.

Direct Hire Authority: Some conservatives may be concerned that the bill would generally give the Secretary of Agriculture the authority to appoint, without regard for current laws pertaining to the examination, certification, and appointment federal civil and competitive service employees, former resource assistants meeting Office of Personnel Management (OPM) qualification standards to jobs with the Forest Service.

Grizzly Bears: The bill would prohibit the use of funds for the transplantation or introduction of grizzly bears into the North Cascades Ecosystem.

Wild Horse and Burros Management: The bill would allow the Interior Department to manage wild horses and burros as a non-reproducing or single-sex herd, including through sterilization.

Oil and Gas Royalties from Alaska Coastal Plain: The bill would direct six percent of the oil and gas royalties that Alaska receives from ANWR drilling to go to Alaska Native Fund to provide for the social and economic needs of Natives.

Ozone: The bill does not include language delaying or prohibiting implementation and enforcement of the ozone regulations published in October 2015. This Congress, the House passed [H.R. 806](#), the Ozone Standards Implementation Act of 2017 to delay the 2015 regulations.

Report on Climate Change Funds: Some conservatives may be concerned that the bill does not require a report from the president describing in detail all federal agency funding for climate change programs, as was required in FY 2016 and FY 2017.

Unauthorized Appropriations: The bill includes \$7.447 billion in appropriations for 56 programs that are not authorized by law.

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](#).

Agency	Unauthorized Programs funded by the bill	Total Unauthorized Appropriations
Bureau of Land Management	All	1,352,956
US Fish and Wildlife Service	15	396,483
US Geological Society	4	114,354
Bureau of Indian Affairs	5	223,272
Office of Insular Affairs	1	3,500
EPA	22	6,229,935

Related Agencies	5	358,109
Total	> 52	7,447,055

Net Total Discretionary in Thousands of Dollars

Division B: Financial Services and General Government Appropriations Act, 2019

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY18 vs President
23,423	26,587	23,423	0	- 3,164

The Financial Services and General Government Appropriations Act would appropriate a net total of \$23.423 billion, a level that is \$3.164 billion below the President’s Budget request and the same as the FY 2018 enacted level.

Title I: Department of the Treasury

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY18 vs President
12,155	12,678	13,636	+1,480	+958

The Treasury would be appropriated a net total of \$13.6 billion, a level that is \$1 billion above the President’s Budget request, \$1.5 million above the FY 2018 enacted level.

Treasury (Non-IRS): The non-IRS functions of the Treasury are appropriated \$2.02 billion, a level that is \$838 million above the President’s Budget request and \$1.3 billion above the FY 2018 enacted level.

Office of Terrorism and Financial Intelligence: The bill would provide \$161 million for the Treasury’s Office of Terrorism and Financial Intelligence, a level that is \$2 million above the President’s Budget request and \$19 million above the current FY 2018 level.

Fund for America’s Kids and Grandkids: The bill would create this new fund. According to the [Committee Report](#), it “is established to fund activities to further government efficiency, and through those efficiencies reduce the overall cost to operate government programs.” Pursuant to the bill, funds appropriated to the Fund could not be obligated until the Federal government is operating either at a surplus or zero deficit. The bill would appropriate \$585 million to this new account.

The Congressional Budget Office projects the federal deficit to rise from \$981 billion in FY 2019 to \$1.526 billion in 2028. Many conservatives will be pleased that the practical effect of the surplus/zero-deficit restriction is that it would be virtually impossible under current policy for the funds appropriated to the Fund to be spent so long as they remain in the fund.

Treasury Forfeiture Fund: The bill would not rescind any funds from the [Treasury Forfeiture Fund](#). The FY2018 Omnibus permanently rescinded \$702 million from the Fund.

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. A rescission from this fund is a “change in mandatory program” (CHIMPS). In the past, some rescissions from the Fund would reduce mandatory spending in the fiscal year under consideration, but would also increase mandatory spending in the out-years. Consequently, they would produce no real savings but be used to offset actual spending in the appropriations bill.

Some conservatives have expressed concerns in the past 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 \$11.616 billion for the IRS, a level that is \$120 million above the president’s budget request, \$186 million above the current FY 2018 enacted level.

Within this total, \$4.86 billion is for enforcement, \$3.99 billion is for operations support, \$2.49 billion is for taxpayer services, and \$200 million is for business systems modernization.

Additionally, Section 113 of the bill would appropriate an additional \$77 million to the IRS for either Taxpayer Services, Enforcement, or Operations Support accounts of the Internal Revenue Service for an additional amount to be used solely for carrying out the [Tax Cuts and Jobs Act](#) so long as the IRS submits to Congress a spending plan for such funds.

POLICY PROVISIONS:

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.

IRS Conferences: The bill includes a current law provision to prohibit funds for IRS conferences that fail to comply with the Inspector General’s recommendations.

Hiring Former IRS Employees: The bill would prohibit hiring or awarding bonuses to IRS employees without taking into account the conduct and tax compliance of the employee.

Confidential Taxpayer Information: The bill would prohibit the use of funds in violation of [law](#) that prohibits the release of taxpayer return information by the federal government.

IRS Prepared Tax Returns: The bill would prohibit the use of funds for the IRS to pre-fill or pre-populate tax returns for taxpayers.

Tax Exempt Status of Churches: 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.

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 is designed to protect the free speech rights of civic organizations.

Financial Action Task Force Reimbursement: The bill would allow the IRS to use funds appropriated for the Office of Terrorism and Financial Intelligence” to reimburse the “Departmental Offices—Salaries and Expenses” account for expenses incurred in such account for reception and representation expenses to support activities of the [Financial Action Task Force](#).

Wasteful Conferences: The bill would prohibit funds for IRS conferences that fail to comply with the Inspector General’s recommendations.

Cuba Issues: The bill would:

- prohibit funds to approve, license, facilitate, authorize, or otherwise allow the importation of property confiscated by the Cuban Government; and
- prohibit approving or allowing 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.

Climate Action Plan (CAP): The bill would prohibit funds for enforcing a rule based on Obama’s “[Guidance for United States Positions on MDBs Engaging with Developing Countries on Coal-Fired Power Generation](#)” dated October 29, 2013” when enforcement would prohibit or have the effect of prohibiting, the carrying out of any coal-fired or other power generation project the purpose of which is to increase exports of prevent the loss of jobs.

Office of Financial Research Appropriations: The bill would limit the fees available for use by the OFR to the amount provided in appropriations acts beginning in fiscal year 2020.

IRS Videos: The bill would not prohibit funds for wasteful videos that have not been reviewed for “cost, topic, tone, and purpose and certified to be appropriate,” As has been included in previous appropriations bills.

Obamacare Funding: Some conservatives may be concerned the bill does not prohibit the use of funds to implement Obamacare, as has been included in previous appropriations bills.

Title II: Executive Office of the President

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY18 vs President
725.535	349.351	725.335	-.200	+ 375.984

The Executive Office of the President would be appropriated a net total of \$725 million, a level that is \$349 million above the President’s Budget request, and roughly the same as the FY 2018 enacted level.

White House Salaries and Expenses: The bill would provide \$55 million for White House staff salaries and expenses, a level that is the same as the President’s Budget request and the FY 2018 enacted level.

National Security Council and the Homeland Security Council: The bill would provide \$13 million for the National Security Council and the Homeland Security Council, a level that is \$500,000 below the President’s Budget request and \$1.2 million more than the FY 2018 enacted level.

Office of Management and Budget (OMB): The bill would provide \$103 million for the OMB, a level that is the same as the President’s Budget request and \$2 million above the FY 2018 enacted level.

The Committee Report tasks OMB with providing printed copies of the FY2019 budget request to Congress. Some conservatives may believe this is a waste of money.

Office of National Drug Control Policy (ONDCP): The bill would provide a total of \$415 million for the ONDCP, a level that is \$386 above the President’s Budget request and about the same as the FY 2018 enacted level.

Office of the Vice President: The bill would provide the Office of the Vice President \$4.6 million, a level that is equal to the President’s Budget request and the FY 2018 enacted level.

POLICY PROVISIONS:

Impact of Executive Orders: The bill would require the OMB to include a statement of the budgetary impact (including costs, benefits, and revenues) of Executive Orders or Presidential Memorandum issued or revoked. For Memoranda, the requirement for cost estimates only applies when the estimated regulatory cost of the memorandum is in excess of \$100 million.

Signing Statements: The bill would not prohibit the use of funds to prepare, sign, or approve statements abrogating legislation passed by Congress and signed by the president, as has been included in previous appropriations bills.

Executive Orders Contravening Law: The bill would not prohibit the use of funds to prepare or implement an Executive Order or Presidential Memorandum that contravenes existing law, as has been included in previous appropriations bills.

Title III: The Judiciary

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY18 vs President
7,552	7,662	7,704	+ 151	+ 42

The Federal Judiciary would be appropriated a net total of \$7.704 billion, a level that is \$42 million above the President’s Budget request, \$151 million above the FY18 enacted level.

Supreme Court: The bill would provide the Supreme Court a total of \$104 million, a level that is nearly equal to the President’s Budget request and \$2.5 million above the FY 2018 enacted level.

Title IV: District of Columbia

Net Total Discretionary in Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY18 vs President
721	658	734	+ 15	+ 78

The District of Columbia (D.C.) would be appropriated a net total of \$721 million, a level that is \$78 million above the President’s Budget request and \$15 million above the FY 2018 enacted level.

College Tuition Subsidies: The bill would provide \$30 million for the DC Tuition Assistance Grant (DCTAG) program, a level that is \$30 million above the President’s Budget request (which proposed to eliminate

funding completely) and \$10 million below the FY 2018 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 in-state 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 the same as the President’s Budget request and the FY 2018 enacted level.

POLICY PROVISIONS:

D.C. Local Funds: The bill provides authority for D.C. to spend its local funds. 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 819 of the bill would repeal D.C.’s Local Budget Autonomy Amendment Act of 2012.

Assisted Suicide: Section 817 of the would prohibit D.C. from using funds to enact any law to carry out assisted suicide. This section also repeals the District of Columbia Death With Dignity Act of 2016.

Reproductive Non-Discrimination Act: Section 818 of the bill would prohibit the use of appropriated funds from being used to carry out the Reproductive Health Non-Discrimination Amendment Act of 2018 (D.C. Law 20– 261) which bars employers from making employment decisions based on an employee’s reproductive decisions.

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 fund to legalize or reduce the penalties against controlled substances including marijuana.

D.C. Hyde Amendment: Section 810 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 Millions of Dollars

FY18 Enacted	FY19 President Request	FY19 House Level	FY19 vs 18 Enacted	FY19 vs President
2,710	2,727	1,234	- 1,476	- 1,493

The independent agencies funded by the bill would be appropriated a net total of \$1.234 billion, a level that is \$1.493 billion below the President’s Budget request and \$1.476 billion below the FY 2018 enacted level.

Consumer Financial Protection Bureau (CFPB): The bill would make the CFPB subject to the appropriations process in FY 2019. Under the Dodd-Frank financial reform law, the CFPB is allowed to set its own budget using funds transferred from the Federal Reserve. This allows the CFPB to operate with no Congressional oversight. The bill would limit transfers to \$485 million in FY 2019, an amount equal to the President’s Budget request.

Federal Communications Commission (FCC): The bill would provide \$335 million for the FCC, a level that is \$2 million above the president's budget request and \$13 million above the FY 2018 enacted level. The appropriation would be fully offset with offsetting collections.

Federal Election Commission (FEC): The bill would provide \$71 million for the FEC, a level that is equal to the President's Budget request and the FY 2018 enacted level.

Office of Personnel Management (OPM): The bill would provide a total of \$267 million for the OPM, a level that is the same as the President's Budget request and \$5 million above the FY 2018 enacted level.

Securities and Exchange Commission (SEC): The bill would provide the SEC with \$1.695 billion, a level that is \$3.5 million below the President's Budget request and \$201 million below the FY 2018 enacted level. This funding would be fully offset by fee collections.

The bill would not rescind \$25 million in the unobligated balances from the SEC's Reserve Fund as requested in the President Budget request.

Small Business Administration (SBA): The bill would provide \$742 million for the SBA, a level that is \$63 million above the President's Budget request and \$41 million above the FY 2018 enacted level.

The bill would repeal a provision of the Food, Conservation, and Energy Act of 2008 that created an expedited disaster assistance business loan program under which the SBA could, on an expedited basis, guarantee timely payment of principal and interest, as scheduled on any loan made to an eligible small business.

U.S. Postal Service (USPS): The bill would provide \$308 million for the USPS, a level that is \$18 million above the President's Budget request and \$5 million above the FY 2018 enacted level.

Limitation on Postal Reform: Conservatives may be concerned that the bill contains language that would require that 6-day delivery shall continue at not less than the 1983 level and prohibit funds from being used to consolidate or close small rural and other small post offices. The bill also includes language that would require the United States Postal Service to maintain and comply with delivery standards for First Class Mail and periodicals effective on July 1, 2012.

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 631 would prohibit abortion coverage through the Multi-State Plan Program created under Obamacare.

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

Discretionary Spending Cap Adjustment Authority: Conservatives may be concerned that Section 745 of the bill would direct the Office of Management and Budget (OMB) to adjust the defense or non-defense discretionary spending caps upward in an amount as high as 0.2 percent of the sum of the adjusted discretionary spending limits for both categories for the fiscal year when there is a breach of the spending caps due to estimating differences between OMB and the Congressional Budget Office (CBO). For FY 2019, the adjustment could be as high as \$2.488 billion.

Recreational Off-Road Vehicles: section 501 would prohibit the Consumer Product Safety from moving forward with finalizing a rule to designed to make the vehicles safer until a National Academy of Sciences study is complete.

Food Marketed to Children: Section 620 would prohibit funds for the Federal Trade Commission to complete or publish the study, recommendations, or report prepared by the Interagency Working Group on Food Marketed to Children unless the FTC complies with E.O. 13563.

Federal Records Act: Section 623 would prohibit the use of funds to be used in contravention of the Federal Records Act.

Internet Service Provider (ISP) Privacy Protection: Section 624 would prohibit agencies from requiring ISPs to disclose electronic communications information in a manner that violates the Fourth Amendment.

Political Disclosures: Section 628 would prohibit the SEC from requiring the disclosure of political contributions, contributions to tax-exempt organizations, or dues paid to trade associations. Section 735 prohibits the federal government from requiring federal contractors to disclose political contributions.

FEC Prior Approval Requirement: Section 630 would prohibit funds from being used to enforce the Federal Elections Commission's prior approval requirement for corporate member trade association PACs.

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

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

Official Duties: Section 719 of the bill would require executive employees to make a reasonable effort to use official time to complete their official duties.

Collection of Internet Activities: Section 725 of the bill contains language prohibiting the use of funds to monitor personal access or use of Internet sites or to collect, review, or obtain any personally identifiable information relating to access to or use of an Internet site. This includes hiring a third party to do so.

Contractor Political Contributions: Section 734 would prohibit the use of funds to require any entity submitting an offer for a Federal contract or participating in an acquisition to disclose political contributions.

Federal Flood Risk Management Standard: Section 746 of the bill would prohibit the use of funds to implement or enforce [Executive Order 13690](#) establishing a Federal Flood Risk Management Standard.

Blood Diamonds: Section 747 would prohibit the use of funds to implement, administer, or enforce a rule issued pursuant to section 13(p) of the Securities Exchange Act of 1934 which calls on the SEC to create rules requiring issuers with conflict minerals that are necessary to the functionality or production of a product manufactured by such person to disclose annually whether any of those minerals originated in the Democratic Republic of the Congo or an adjoining country.

Civilian Employee Job Protection: Conservatives may be concerned that Section 748 would prohibit the use of funds to begin or announce a study or a public-private competition regarding the conversion to contractor performance of any function performed by civilian Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

Unauthorized Appropriations: The bill includes \$16.809 billion in appropriations for 39 programs that are not authorized by law. 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
Treasury	16	13,559,798
Executive Office of the President	5	533,727
District of Columbia	5	81,000
Independent Agencies	13	2,635,053
Total	39	16,809,578

CHIMPS: The bill includes \$519 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.

TITLE IX - FINANCIAL REFORMS

Subtitle A—Helping Angels Lead Our Startups Act

Subtitle A was passed by the House on January 10, 2017 as [H.R. 79](#), the Helping Angels Lead Our Startups (HALOS) Act. It would promote small business access to investment capital to ensure they can connect with angel investors. This bill would define angel investor for federal securities laws and would clarify the definition of general solicitation in the Securities Act of 1933, so that startups can discuss their products at “demo days.” The Legislative Bulletin for this Act can be found [here](#).

Subtitle B—Credit Access and Inclusion Act

Subtitle B was passed by the House on June 25, 2018 as H.R. 435, the Credit Access and Inclusion Act. It would amend the Fair Credit Reporting Act to allow people, companies, or the Department Housing and Urban Development to report information regarding a consumer’s performance in making lease, utility, or telecommunications payments, to a consumer credit reporting agency, in order to help them gain access to affordable sources of credit. The Legislative Bulletin for this Act can be found [here](#).

Subtitle C—Small Business Mergers, Acquisitions, Sales and Brokerage Simplification Act

Subtitle C was passed by the House on December 7, 2017 as H.R. 477, the Small Business Mergers, Acquisitions, Sales and Brokerage Simplification Act. It would amend the Securities Exchange Act of 1934 to exempt certain merger and acquisition brokers who advise small businesses in their sales from registration requirements. The Legislative Bulletin for this Act can be found [here](#).

Subtitle D—Mortgage Choice Act

Subtitle D was passed by the House on February 7, 2018 as H.R. 1153, the Mortgage Choice Act of 2017. It would exclude insurance premiums held in escrow and certain fees from the fees and points calculation for the purpose of determining a Qualified Mortgage. The Legislative Bulletin for this Act can be found [here](#).

Subtitle E—Fair Investment Opportunities for Professional Experts Act

Subtitle E was passed by the House on November 1, 2017 as H.R. 1585, the Fair Investment Opportunities for Professional Experts Act. It would expand the definition of an accredited investor to include individuals licensed as brokers or investment advisors, or those with professional knowledge pertaining to a particular

investment as verified by certain regulatory authorities. The Legislative Bulletin for this Act can be found [here](#).

Subtitle F—Fostering Innovation Act

Subtitle F was passed by the House on May 23, 2016 as H.R.4139, the Fostering Innovation Act of 2015. It would extend the exemption for emerging growth companies from Section 404(b) of the Sarbanes-Oxley (SOX) Act that would otherwise lose their exempt status at the end of the five-year emerging growth company (EGC) period under current law. The Legislative Bulletin for this Act can be found [here](#).

Subtitle G—End Banking for Human Traffickers Act

Subtitle G was passed by the House on April 10, 2018 as H.R. 2219, the End Banking for Human Traffickers Act of 2017. It would add the Secretary of the Treasury as a member of the President's Interagency Task Force to Monitor and Combat Trafficking and would require the task force to recommend methods to combat money laundering related to human trafficking and submit them to Congress. The Legislative Bulletin for this Act can be found [here](#).

Subtitle H—Investing in Main Street Act

Subtitle H was passed by the House on July 24, 2017 as H.R. 2364, the Investing in Main Street Act. It would help small businesses get venture capital and private equity through the Small Business Investment Company (SBIC) program by increasing the amount of capital and surplus a financial institution or federal savings association can invest in an SBIC from 5% to 15%. The Legislative Bulletin for this Act can be found [here](#).

Subtitle I—Privacy Notification Technical Clarification Act

Subtitle I was passed by the House on December 14, 2017 as H.R. 2396, the Privacy Notification Technical Clarification Act. It would amend the Gramm-Leach-Bliley Act to provide for additional exceptions for certain annual notices provided by financial institutions. The Legislative Bulletin for this Act can be found [here](#).

Subtitle J—Financial Institution Customer Protection Act

Subtitle J was passed by the House on December 11, 2017 as H.R. 2706, the Financial Institution Consumer Protection Act. It would address past efforts like Operation Chokepoint and other similar initiatives, to prohibit any federal banking agency from suggesting, requesting, or ordering a depository institution to terminate a customer account or group of accounts, or prohibiting an institution from maintaining a banking relationship with specific customer, unless the agency has a material reason to do so, and that reason is not solely based on risk to reputation. The Legislative Bulletin for this Act can be found [here](#).

Subtitle K—Encouraging Public Offerings Act

Subtitle K was passed by the House on November 1, 2017 as H.R. 3903, Encouraging Public Offerings Act of 2017. It would amend the Securities Act of 1933 to extend certain provisions of the JOBS Act to all issuers to facilitate initial public offerings (IPOs). The Legislative Bulletin for this Act can be found [here](#).

Subtitle L—Risk-Based Credit Examination Act

Subtitle L was passed by the House on November 7, 2017 as H.R. 3911 – Risk-based Credit Examinations Act of 2017. It would amend the Securities Act of 1933 so that the annual reporting requirements of the Nationally Recognized Statistical Rating Organizations (NRSROs) are risk-based. The Legislative Bulletin for this Act can be found [here](#).

Subtitle M—Protection of Source Code Act

Subtitle M was passed by the House on February 14, 2018 as part of H.R. 3978, the TRID Improvement Act of 2017. It would prohibit the Securities and Exchange Commission (SEC) from compelling a company to furnish source code or other similar intellectual property unless it issues a subpoena. The Legislative Bulletin for this Act can be found [here](#).

Subtitle N—Family Office Technical Correction Act

Subtitle N was passed by the House on October 24, 2017 as H.R. 3972, the Family Office Technical Correction Act. It would amend the definition of “accredited investor” so that it would include any person who is a family office or client of a family office. This definition would extend to Regulation D under the Securities Act of 1933. The Legislative Bulletin for this Act can be found [here](#).

Subtitle O—Market Data Protection Act

Subtitle O was passed by the House on November 13, 2017 as H.R. 3973, the Market Data Protection Act of 2017. It would require the Securities and Exchange Commission (SEC) and other regulators to develop internal risk control mechanisms to govern and secure the storage and use of market data prior to collecting data in the Consolidated Audit Trail (CAT). The Legislative Bulletin for this Act can be found [here](#).

Subtitle P—Financial Stability Oversight Council Improvement Act

Subtitle P was passed by the House on March 21, 2018 as H.R. 4061, the Financial Stability Oversight Council Improvement Act of 2017. It would require the Financial Stability Oversight Council (FSOC) to take into account the appropriateness of the imposition of prudential standards as opposed to other forms of regulation when determining whether to subject a nonbank financial company to prudential regulation by the Federal Reserve. The Legislative Bulletin for this Act can be found [here](#).

Subtitle Q—Expanding Access to Capital for Rural Job Creators Act

Subtitle Q is H.R.4281 - Expanding Access to Capital for Rural Job Creators Act. It has not passed either chamber. It would require the Small Business Capital Formation Advocate, a post within the SEC, to report on issues facing rural small businesses.

Subtitle R—Volcker Rule Regulatory Harmonization Act

Subtitle R was passed by the House on April 13, 2018 as H.R. 4790, the Volcker Rule Regulatory Harmonization Act. It exempt community banks that meet certain requirements from the Volcker Rule and would make the Federal Reserve the only authority for rulemaking on the Volcker Rule. The Legislative Bulletin for this Act can be found [here](#).

Subtitle S—Financial Institution Living Will Improvement Act

Subtitle S was passed by the House on January 29, 2018 as H.R. 4292, the Financial Institution Living Will Improvement Act of 2017. It would require financial institutions to submit Dodd-Frank living wills to the FDIC and the Federal Reserve every two years and would require the regulators to publicly disclose the assessment framework that is used to evaluate the submissions. The Legislative Bulletin for this Act can be found [here](#).

Subtitle T—Financial Institutions Examination Fairness and Reform Act

Subtitle T was passed by the House on March 15, 2018 as H.R. 4545, Financial Institutions Examination Fairness and Reform Act. It would require financial institutions to submit Dodd-Frank living wills to the FDIC and the Federal Reserve every two years and would require the regulators to publicly disclose the assessment framework that is used to evaluate the submissions. The Legislative Bulletin for this Act can be found [here](#).

Subtitle U—TRID Improvement Act

Subtitle U was passed by the House on February 14, 2018 as the TRID Improvement Act of 2017. It would combine several bills reported by the Financial Services Committee that would reduce regulatory burdens in the financial services industry. The Legislative Bulletin for this Act can be found [here](#).

Subtitle V—Common Sense Credit Union Capital Relief Act

Subtitle V would delay any effective date set forth in the rule issued by the National Credit Union Administration titled “Risk-Based Capital” (published at 80 17 Fed. Reg. 66626 (October 29, 2015)), such final rule shall take effect on January 1, 2021.

Subtitle W—Bureau of Consumer Financial Protection–Inspector General Reform Act

Subtitle W would repeal the Chairman of the Board of Governors of the Federal Reserve System’s power to appoint the Inspector General of the Consumer Financial Protection Bureau (CFPB). Further, the Subtitle would create an Inspector General for the CFPB.

Subtitle X—BCFP on Appropriations

Under this Subtitle, the Director of the Bureau of Consumer Financial Protection would be prohibited from requesting, under 9 section 1017 of the Consumer Financial Protection Act of 2010, during fiscal year 2019 an amount that would result in the total amount requested by the Director during that fiscal year to exceed \$485 million. Additionally, the Subtitle would authorize to be appropriated for fiscal year 2020 to the Bureau from the combined earnings of 12 the Federal Reserve System \$485 million.

Subtitle Y—Stress Test Relief for Nonbanks

Under this subtitle [nonbank financial institutions](#) would be exempt from certain Dodd-Frank stress test requirements.

Subtitle Z—Interaffiliate Language

This Subtitle would exempt affiliated counterparties trading security-based swaps from an initial margin rule issued under the Dodd-Frank Act.

Subtitle AA—Tailored Application of Prudential Standards

This Subtitle is designed to ensure that when more stringent prudential standards are prescribed, it is done so to ensure that companies with comparable risk profiles and business models are operating under a similar set of requirements.

Subtitle AB—Authority to Remove Bureau Director

This Subtitle would allow the President to remove the Bureau Director at-will.

Subtitle AC—Congressional Review of Bureau Rulemaking

This Subtitle would set up a legal framework whereby Congress would be required to approve major CFPB rule (those with an economic cost of at least \$100 million) prior to the rule taking affect.

TITLE X - EMAIL PRIVACY ACT

Title X of the bill contains the text of the Email Privacy Act which passed the House on February 6, 2017. It would amend the Electronic Communications Privacy Act of 1986 to require federal authorities to obtain a warrant prior to accessing all email or digital communications. The Legislative Bulletin for the Act can be found [here](#).

TITLE XI - AMATEUR RADIO PARITY ACT

Title XI of the bill contains the text of the Amateur Radio Parity Act which passed the House on January 23, 2017. It would require the Federal Communications Commission (FCC) to amend certain regulations to preempt any private land use restriction from prohibiting or unreasonably limiting the installation or maintenance of licensed private radio equipment. The Legislative Bulletin for the Act can be found [here](#).

COMMITTEE ACTION:

The Appropriations Committee marked up H.R. 6147 on [June 6, 2018](#), and reported the bill by a 25 – 20 vote.

The Appropriations Committee marked up H.R. 6258 on [June 13, 2018](#), and reported the bill by a 28 – 20 vote.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

“Congress has the power to enact this legislation pursuant to the following: 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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