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Financial Services and General Government (FSGG) FY2018 Appropriations: Independent Agencies and General Provisions

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Summary

The Financial Services and General Government (FSGG) appropriations bills include funding for more than two dozen independent agencies in addition to the larger entities in the bill (Department of the Treasury, the Executive Office of the President, the District of Columbia, and the judiciary). Among these are

- Consumer Product Safety Commission (CPSC),
- Election Assistance Commission (EAC),
- Federal Communications Commission (FCC),
- Federal Election Commission (FEC),
- Federal Labor Relations Authority (FLRA),
- Federal Trade Commission (FTC),
- General Services Administration (GSA),
- National Archives and Records Administration (NARA),
- Office of Personnel Management (OPM),
- Privacy and Civil Liberties Oversight Board (PCLOB),
- Securities and Exchange Commission (SEC),
- Selective Service System,
- Small Business Administration (SBA), and
- United States Postal Service (USPS).

The House and Senate FSGG bills include funding for the same agencies, with one exception. Funding for the Commodity Futures Trading Commission (CFTC) is considered in the Agriculture appropriations bill in the House and the FSGG bill in the Senate.

President Trump submitted his FY2018 budget request on May 23, 2017. The request totaled approximately $3.1 billion for the independent agencies funded through the FSGG appropriations bill, including $330 million for the CFTC.

The House Committee on Appropriations reported the Financial Services and General Government Appropriations Act, 2018 (H.R. 3280, H.Rept. 115-234) on July 18, 2017. Combined total FY2018 funding for the FSGG independent agencies in the reported bill was $253 million, with another $248 million for the CFTC included in the Agriculture appropriations bill (H.R. 3268, H.Rept. 115-232). The resulting total of $501 million would have been about $2.6 billion below the President's FY2018 request, with most of this difference in the funding for the GSA.

The text of nearly all of H.R. 3280 was included as Division D of H.R. 3354, an omnibus appropriations bill. The bill was amended numerous times on the floor of the House, shifting funding among FSGG agencies, with the FSGG independent agencies totaling $488 million after the amendments. H.R. 3354 passed the House on September 14, 2017.

The Senate Committee on Appropriations did not act on an FY2018 FSGG appropriations bill. A draft FY2018 chairmen's recommended FSGG bill and explanatory statement was released on November 20, 2017. Funding in the draft bill totaled approximately $539 million, $2.5 billion below the President's FY2018 request, with most of this difference in funding for the GSA.

No appropriations bills were passed prior to the start of FY2018. Five separate continuing resolutions (CR) were enacted—on September 8, 2017 (P.L. 115-56), December 8, 2017 (P.L.

115-90), December 22, 2017 (P.L. 115-96), January 22, 2018 (P.L. 115-120), and February 9, 2018 (P.L. 115-123). The CRs generally maintained FSGG funding based on FY2017 levels, with P.L. 115-123 also adding supplemental emergency funding for the GSA ($127 million) and the SBA ($1.66 billion) largely to address natural disasters.

The Consolidated Appropriations Act, 2018 (H.R. 1625, P.L. 115-141) was enacted on March 23, 2018. FY2018 enacted appropriations in P.L. 115-141 and P.L. 115-123 combined totaled $4.7 billion for the FSGG agencies, $1.6 billion above the original request, with much of this difference resulting from the emergency funding for the SBA.

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Introduction

The Financial Services and General Government (FSGG) appropriations bill includes funding for more than two dozen independent agencies primarily in Title V. These agencies perform a wide range of functions, including the management of federal real property, the regulation of financial institutions and markets, and mail delivery.

This report focuses on funding for those independent agencies in Title V of the FSGG appropriations bill. It also addresses general provisions that apply government-wide, which appear in Title VII, and provisions on Cuba sanctions, which appear in Title I. In addition, the FSGG bill funds the Department of the Treasury (Title I), the Executive Office of the President (EOP; Title II), the judiciary (Title III), the District of Columbia (Title IV), and it typically funds mandatory retirement accounts in Title VI, which also contains general provisions applying to the FSGG agencies.[1] The FSGG bills also occasionally address other issues, particularly those involving financial regulation, in additional titles. Although financial services are a major focus of the bills, FSGG appropriations bills do not fund many financial regulatory agencies, which are instead funded outside of the appropriations process.[2]

The FSGG bill has existed in its current form since the 2007 reorganization of the House and Senate Committees on Appropriations. The House and Senate FSGG bills fund the same agencies, with one exception. The Commodity Futures Trading Commission (CFTC) is funded through the Agriculture appropriations bill in the House and the FSGG bill in the Senate. In this report, the CFTC funding is generally included in the combined totals of funding for FSGG independent agencies.

Administration and Congressional Action

On May 23, 2017, President Trump submitted his FY2018 budget request, with a total of approximately $3.1 billion for the independent agencies funded through the FSGG appropriations bill, including $330 million for the CFTC.

On July 18, 2017, the House Committee on Appropriations reported the Financial Services and General Government Appropriations Act, 2018 (H.R. 3280, H.Rept. 115-234). FY2018 funding for the FSGG independent agencies in the reported bill would have been $253 million, with another $248 million for the CFTC included in the Agriculture appropriations bill (H.R. 3268, H.Rept. 115-232). The combined total of $501 million would have been about $2.6 billion below the President's FY2018 request with most of this difference in the funding for the General Services Administration (GSA).

The text of nearly all of H.R. 3280 was included as Division D of H.R. 3354 when it was considered by the House of Representatives beginning on September 6, 2017. The bill was amended numerous times, with the FSGG independent agencies totaling $488 million after the amendments.[3] Most of the independent agency funding changes on the floor were decreases in

[1] For an overview of FSGG appropriations, see CRS Report R44933, *Financial Services and General Government (FSGG) FY2018 Appropriations: Overview*, by Baird Webel.

[2] For more information, see CRS Report R43391, *Independence of Federal Financial Regulators: Structure, Funding, and Other Issues*, by Henry B. Hogue, Marc Labonte, and Baird Webel.

[3] House-passed amendments to the FSGG portion of H.R. 3354 included H.Amdt. 429, H.Amdt. 430, H.Amdt. 432, H.Amdt. 439, H.Amdt. 441, H.Amdt. 443, and H.Amdt. 445.

GSA funding and increases in the Small Business Administration (SBA). H.R. 3354 passed the House on September 14, 2017.

The Senate Committee on Appropriations released an FY2018 chairmen's recommended FSGG draft bill along with an explanatory statement on November 20, 2017.[4] Funding in the recommended bill totaled $593 million for the FSGG independent agencies, about $2.5 billion below the President's FY2018 request with most of this difference in funding for the GSA.

With the end of FY2017 approaching and no permanent FY2018 appropriations bills enacted, Congress passed, and the President signed, H.R. 601/P.L. 115-56. Division D of this act provided for continuing appropriations through December 8, 2017, generally termed a continuing resolution (CR). P.L. 115-56 provided funding for most FSGG agencies based on the FY2017 funding rate. In addition, the CR contained a number of deviations or "anomalies" from the general formula. The FSGG anomalies focused on decreasing funding related to the presidential transition, which had been increased in FY2017. Four additional CRs were enacted—on December 8, 2017 (P.L. 115-90), December 22, 2017 (P.L. 115-96), January 22, 2018 (P.L. 115-120), and February 9, 2018 (P.L. 115-123). P.L. 115-123 also included an additional $127 million for the GSA and $1.66 billion for the SBA, largely to address disaster costs from hurricanes in 2017.

The Consolidated Appropriations Act, 2018 (H.R. 1625/P.L. 115-141) was enacted on March 23, 2018. The bill, originally focused on eradication of human trafficking and amended with the appropriations measure, passed in the House on March 22, 2018, and passed in the Senate on March 23, 2018. The Congressional Record for March 22, 2018, included an Explanatory Statement which is to have the same effect as a joint explanatory statement of a conference committee.[5] FSGG appropriations are included in Division E, with the CFTC funded in the Agriculture appropriations in Division A. Additional legislative language affecting financial regulation is in Division S, Titles VIII and IX.

FY2018 enacted appropriations in both P.L. 115-141 and P.L. 115-123 totaled $4.7 billion for the FSGG agencies, $1.6 billion above the original request with much of this difference resulting from the emergency funding for the SBA. The GSA, the Federal Communications Commission (FCC), and the Election Assistance Commission (EAC) also had substantial funding differences between requested and enacted amounts. Most of the EAC funding was for grants to states for the election reform program.

Table 1 shows the status of FSGG appropriations measures at key points in the appropriations process. **Table 2** lists the broad amounts requested by the President and included in the various FSGG bills, largely by title. Specific columns in **Table 2** are FSGG agencies' enacted amounts for FY2017, the President's FY2018 request, the FY2018 amounts from H.R. 3554 as passed by the House, from the Senate Appropriations chairmen's draft bill, and the enacted amounts combined from P.L. 115-141 and P.L. 115-123.

[4] The bill was released by the chairs of both the full committee and the subcommittee. See U.S. Congress, Senate Committee on Banking, Housing, and Urban Affairs, "FY2018 Financial Services & General Government Appropriations Bill Released," press release, November 20, 2017, https://www.appropriations.senate.gov/news/majority/fy2018-financial-services-and-general-government-appropriations-bill-released.

[5] "Explanatory Statement Regarding the House Amendment to the Senate Amendment on H.R. 1625," *Congressional Record*, vol. 164, no. 50, Book II, March 22, 2018. It included summary tables and final committee recommendations. Any recommendations in the House Appropriations Committee report are to be considered in force unless specifically contradicted in the Explanatory Statement.

Table 1. Status of FY2018 Financial Services and General Government Appropriations

Subcommittee Markup							Final Adoption		
House	Senate	House Report	House Passage	Senate Draft	Senate Passage	Conference Report	House	Senate	Public Law
6/29/17	—	7/18/17	9/14/17	11/20/17	—	—	3/22/18	3/23/18	3/23/18

Source: Prepared by the Congressional Research Service (CRS).

Table 2. Financial Services and General Government Appropriations, FY2017-FY2018

(in millions of dollars)

Agency	FY2017 Enacted	FY2018 Request	FY2018 House-Passed	FY2018 Senate Chairmen's Draft	FY2018 Enacted
Department of the Treasury	$11,595	$11,223	$11,540	$11,834	$12,158
Executive Office of the President	709	689	720	718	726
The Judiciary	7,359	7,670	7,530	7,630	7,553
District of Columbia	756	704	696	704	721
Independent Agencies	1,528	3,108	488	593	4,744
Mandatory Retirement Accounts	21,376	21,800	21,800	21,800	21,800
Total	**43,325**	**45,193**	**42,723**	**43,279**	**47,702**

Sources: P.L. 115-141 and Explanatory Statement, P.L. 115-123, H.R. 3280, H.Rept. 115-234, H.R. 3268, H.Rept. 115-232, H.R. 3354, draft Senate Chairmen's bill (https://www.appropriations.senate.gov/download/fy2018-fsgg-chairmens-mark) and Explanatory Statement (https://www.appropriations.senate.gov/download/fy2018-fsgg-explanatory-statement).

Notes: Totals for each column include funding for the Commodity Futures Trading Commission (CFTC). The CFTC is funded in the House through the Agriculture appropriations bill and in the Senate through the FSGG bill. Figures are net reflecting rescissions and offsetting collections. The mandatory spending for the President's salary is contained in Title VI, Section 619 whereas the rest of presidential spending is in Title II. The Mandatory Retirement Accounts amount stems from Title VI, Section 619. Title VI, Section 620 of the Senate bill, but not the House bill includes $1 million for Public Company and Accounting Oversight Board scholarships, which is reflected under "Independent Agencies." H.R. 3354, Title IX's legislative provisions result in a $50 million savings which is included in the House-passed total. Totals may not sum due to rounding.

Independent Agencies

The FSGG appropriations bill provides funding for more than two dozen independent agencies, performing a wide range of functions. **Table 3** details FSGG agencies' enacted amounts for FY2017, the President's FY2018 request, the FY2018 amounts from H.R. 3554 as passed by the House, from the Senate Appropriations chairmen's draft bill, and the enacted amounts combined from P.L. 115-141 and P.L. 115-123.

Table 3. FSGG Independent Agencies Appropriations, FY2017-FY2018

(in millions of dollars)

Agency	FY2017 Enacted	FY2018 Request	FY2018 House-Passed	FY2018 Senate Chairmen's Draft	FY2018 Enacted
Administrative Conference of the United States	$3	$3	$3	$3	$3
Commodity Futures Trading Commission[a]	250	250	248	250	249
Consumer Product Safety Commission	126	123	123	123	126
Election Assistance Commission	10	9	7	9	390
Federal Communications Commission[b]	(357)	(322)	(322)	(322)	600
Federal Deposit Insurance Corporation: Office of Inspector General[c]	(36)	(39)	(39)	(39)	(39)
Federal Election Commission	79	71	71	71	71
Federal Labor Relations Authority	26	26	26	26	26
Federal Trade Commission	173	164	164	164	164
General Services Administration[d]	-1,095	509	-2,068	-2,108	-543
GSA Emergency Supplemental	—	—	—	—	127
Harry S Truman Scholarship Foundation	1	—	1	1	1
Merit Systems Protection Board	47	47	47	47	47
Morris K. Udall Foundation	5	5	—	5	5
National Archives and Records Administration[e]	376	351	355	378	378
National Credit Union Administration	2	—	2	2	2
Office of Government Ethics	16	16	16	16	16
Office of Personnel Management (discretionary)	289	310	291	291	291
Office of Special Counsel	25	27	25	27	27
Postal Regulatory Commission	16	14	15	15	15
Privacy and Civil Liberties Oversight Board	10	8	8	8	8
Public Building Reform Board	—	2	3	—	5
Public Company Accounting Oversight Board Scholarships	1	—	—	1	1
Securities and Exchange Commission[b]	(1,605)	(1,847)	(1,897)	(1,847)	(1,897)
- SEC Reserve Fund Rescission	-25	-25	-75	—	—
Selective Service System	23	23	23	23	23
Small Business Administration	887	829	860	886	701
- SBA Prior Year Rescission	-55	-3	-3	-3	-3

Agency	FY2017 Enacted	FY2018 Request	FY2018 House-Passed	FY2018 Senate Chairmen's Draft	FY2018 Enacted
SBA Emergency Supplemental	450[f]	—	—	—	1,659
United States Postal Service (USPS)	35	58	58	58	58
USPS Office of Inspector General	254	235	235	245	245
United States Tax Court	51	53	51	53	51
Total: Independent Agencies (net discretionary)	**1,978**	**3,108**	**488**	**593**	**4,744**

Sources: P.L. 115-141 and Explanatory Statement, P.L. 115-123, H.R. 3280, H.Rept. 115-234, H.R. 3268, H.Rept. 115-232, H.R. 3354, draft Senate Chairmen's bill (https://www.appropriations.senate.gov/download/fy2018-fsgg-chairmens-mark) and Explanatory Statement (https://www.appropriations.senate.gov/download/fy2018-fsgg-explanatory-statement).

Notes: All figures are rounded. Columns may not sum due to rounding. Figures in parentheses reflect offsetting collections and are not totaled.

a. The CFTC is funded in the House through the Agriculture appropriations bill and in the Senate through the FSGG bill.

b. The Federal Communications Commission (FCC) and the Securities and Exchange Commission (SEC) are funded by collecting regulatory fees, resulting in no direct appropriations. Therefore, the amounts shown for the FCC and SEC represent budgetary resources, but those amounts are not included in the table totals. The SEC reserve fund reduction is contained in the general provisions in Title VI rather than with the agency funding in Title V and is reflected in the totals.

c. Budget authority transferred to the Federal Deposit Insurance Corporation's (FDIC's) Office of Inspector General (OIG) is not included in total FSGG appropriations; it is counted as part of the budget authority in the appropriation account from which it came.

d. The General Services Administration's (GSA's) real property activities are funded through the Federal Buildings Fund (FBF), a multibillion-dollar revolving fund into which federal agencies deposit rental payments for leased GSA space. Congress makes the FBF revenue available each year to pay for GSA's real property activities. A negative total for the FBF occurs when the amount of funds made available for expenditure in a fiscal year is less than the amount of new revenue expected to be deposited.

e. Amount as shown in the committee reports; figures do not include appropriations for repayments of principal on the construction of the Archives II facility. The amount reported in the President's budget request and the specific appropriations bills includes this principal repayment.

f. This $450 million was added late in FY2017 by P.L. 115-56. It was not included in the tables in the Explanatory Statement.

Independent Agencies

Commodity Futures Trading Commission[6]

The Commodity Futures Trading Commission is the independent regulatory agency charged with oversight of derivatives markets. The CFTC's functions include oversight of trading on the futures exchanges, oversight of the swaps markets, registration and supervision of futures industry personnel, self-regulatory organizations and major participants in the swaps markets, prevention of fraud and price manipulation, and investor protection. Although most futures

[6] This section authored by Rena Miller. For more information on the CFTC, see CRS Report R43117, *The Commodity Futures Trading Commission: Background and Current Issues*, by Rena S. Miller.

trading is now related to financial variables, such as interest rates, currency prices, and stock indexes, congressional authorization jurisdiction remains vested in the House and Senate Agriculture Committees because of the market's historical origins as an adjunct to agricultural markets. Appropriations for the CFTC are under the jurisdiction of the Agriculture Appropriations Subcommittee in the House and the Financial Services and General Government Appropriations Subcommittee in the Senate.

Following the financial crisis of 2008, concerns over the largely unregulated nature of the over-the-counter swaps markets led to various reforms passed in Title VII of the Dodd-Frank Wall Street and Consumer Protection Act.[7] This act brought the bulk of the previously unregulated over-the-counter swaps markets under CFTC jurisdiction as well as the previously regulated futures and options markets.[8] Passage of the Dodd-Frank Act resulted in the CFTC's oversight of the economically significant swaps markets with an estimated notional value of roughly $240 trillion in the United States. This newly regulated market comes on top of the CFTC's prior jurisdiction over the futures and options markets, with an estimated $34 trillion notional value in the United States.[9]

The President requested $250 million for the CFTC in FY2018, the same as appropriated in FY2017. H.R. 3354 as passed by the House included $248 million and the Senate draft bill would have appropriated $250 million. P.L. 115-141 appropriated $249 million for the CFTC.

Consumer Product Safety Commission[10]

The Consumer Product Safety Commission (CPSC) is a federal regulatory agency whose mission is to reduce consumers' risk of harm from the use of a wide array of products. In carrying out its statutory responsibilities, the commission creates mandatory safety standards; works with industries to develop voluntary safety standards; bans products it deems unsafe when other options are not feasible; monitors the recall of defective products; informs and educates consumers about product hazards; conducts research on and develops testing methods for product safety; collects and publishes for public use a host of data on injuries and product hazards; and collaborates with state and local governments to establish uniform domestic product regulations.

The Trump Administration requested $123 million in appropriations for the commission in FY2018, $3 million less than the amount appropriated for FY2017. The reduction reflected two proposed adjustments to the enacted FY2017 budget: (1) $1.3 million less in funding in FY2018 for the Virginia Graeme Baker Pool and Spa Safety Act's (VGBPSA's) grant program,[11] and (2) $1.7 million less in salaries and expenses from an anticipated loss of 22 full-time employees in FY2018, relative to the CPSC's full-time workforce in FY2017.

The CPSC's budget request would have been allocated among four strategic goals: $5.5 million to develop and maintain an "effective" workforce; $78.1 million to prevent the use of unsafe products by consumers; $31.3 million to respond to emerging product hazards by conducing field research on potential hazards among consumer products and coordinating recall efforts; and $8.1

[7] P.L. 111-203.

[8] The Securities and Exchange Commission (SEC) overseas a subset of the swaps market called security-based swaps that includes securities, such as stocks and bonds.

[9] Figures from the CFTC, in U.S. Office of Management and Budget (OMB), *Appendix, Budget of the United States, FY2015*, p. 1271.

[10] This section authored by Gary Guenther.

[11] P.L. 110-140.

million to communicate with consumers, companies, and other interested parties about consumer product safety matters.

H.R. 3354 as passed by the House included the requested $123 million for the CPSC in FY2018. Contrary to the Administration's wishes, $1.3 million of that amount was designated for new VGBPSA grants. The House Appropriations Committee's report on the bill noted that the committee "expects" the CPSC to maintain the FY2017 level of grant funding ($1.3 million) in FY2018. The committee also admonished the commission not to adopt two proposed rules, one dealing with voluntary recalls that would affect small firms and the other with the public disclosure of information about product hazards.[12] Two administrative provisions concerning the CPSC were included in the bill. Section 501 would have barred the commission from using appropriated funds to "finalize, implement, or enforce" a proposed rule on the safety of recreational off-highway vehicles until the National Academy of Sciences has completed a study on the matter. Section 502 would have prohibited the use of funds for "finalizing any rule" related to injuries from the use of blade saws.

The Senate draft bill would have appropriated $123 million for the CPSC. P.L. 115-141 appropriated $126 million for the CPSC and included Section 501 but not Section 502.

Election Assistance Commission[13]

The Election Assistance Commission (EAC) was established under the Help America Vote Act of 2002 (HAVA).[14] The commission provides grant funding to states to meet HAVA requirements and for election reform programs; provides for testing and certifying voting machines; publishes studies of election issues; and promulgates voluntary guidelines for voting systems standards with respect to HAVA's requirements. Although the commission was not given new rulemaking authority under HAVA, the law transferred responsibilities for the National Voter Registration Act (NVRA),[15] including rulemaking authority, from the Federal Election Commission (FEC) to the EAC. The Department of Justice has enforcement responsibility under HAVA.

The President's budget request for FY2018 included $9.2 million for the EAC, $400,000 less than appropriated in FY2017. Of this request, $1.5 million would be transferred to the National Institute of Standards and Technology (NIST) to support work on testing guidelines for voting system hardware and software. H.R. 3354 as passed by the House included $7 million for the EAC, with $1.5 million transferred to NIST for election reform activities. The Senate draft bill would have provided $9.2 million for the EAC.

P.L. 115-141 appropriated $10.1 million direct for the EAC with $1.5 million to be transferred to NIST. In addition, $380 million was appropriated "to make payments to States for activities to improve the administration of elections for Federal office."

Federal Communications Commission[16]

The Federal Communications Commission (FCC) is an independent federal agency with its five members appointed by the President, subject to confirmation by the Senate. It was established by

[12] H.Rept. 115-234, p. 46.

[13] This section authored by R. Sam Garrett.

[14] P.L. 107-252; 116 Stat. 1666.

[15] P.L. 103-31; 107 Stat. 77.

[16] This section authored by Patricia Moloney Figliola.

the Communications Act of 1934 and is charged with regulating interstate and international communications by radio, television, wire, satellite, and cable.

Since 2009, the FCC's entire budget is derived from regulatory fees collected by the agency rather than through a direct appropriation. The fees, often referred to as "Section (9) fees," are collected from license holders and certain other entities (e.g., cable television systems) and deposited into an FCC account. The law gives the FCC authority to review the regulatory fees and to adjust the fees to reflect changes in its appropriation from year to year.[17]

For FY2018, the FCC requested a budget of $322 million, all to be derived from regulatory fees, approximately $34.5 million less than enacted for FY2017. H.R. 3354 as passed by the House included $322 million as requested, with a cap of $111.15 million for the administration of spectrum auctions. The Senate draft bill would also have appropriated $322 million.

P.L. 115-141 appropriated $322 million to be derived from regulatory fees for the FCC. Section 511 also included $600 million for the TV broadcaster relocation fund.

Federal Deposit Insurance Corporation's Office of the Inspector General[18]

The Federal Deposit Insurance Corporation (FDIC) in general is funded through deposit insurance funds outside of the appropriations process. The FDIC's Office of the Inspector General (OIG), whose mission is to audit, investigate, and review the FDIC's operations and programs, is also funded from deposit insurance funds, but the amount is directly appropriated (through a transfer) to ensure the independence of the OIG.

The President's request included approximately $39.1 million for the FDIC OIG in FY2018, approximately $3.2 million more than the enacted FY2017 amount. H.R. 3354 as passed by the House included the requested $39.1 million for the FDIC OIG, as did the Senate draft bill. P.L. 115-141 appropriated $39.1 million for the FDIC OIG.

Federal Election Commission[19]

The FEC is an independent agency that administers, and enforces civil compliance with, the Federal Election Campaign Act (FECA) and campaign finance regulations.[20] The agency does so through educational outreach, rulemaking, enforcement and litigation, and by issuing advisory opinions. The FEC also administers the presidential public financing system.[21] In recent years,

[17] Most years, appropriations language prohibits the use by the Federal Communications Commission (FCC) of any excess collections received in the current fiscal year or any prior years. These funds remain in the FCC account and are not made available to other agencies or agency programs nor redirected into the Treasury's general fund.

[18] For more information on the Federal Deposit Insurance Corporation (FDIC), see CRS Report R41718, *Federal Deposit Insurance for Banks and Credit Unions*, by Darryl E. Getter. For more information on inspectors general, see CRS Report R43814, *Federal Inspectors General: History, Characteristics, and Recent Congressional Actions*, by Kathryn A. Francis and Michael Greene.

[19] This section authored by R. Sam Garrett.

[20] The Federal Election Campaign Act (FECA) is currently codified at 52 U.S.C. §§30101 et seq. The act was previously codified at 2 U.S.C. §§431 et seq. Effective September 2014, parts of federal election law, including FECA, were reclassified in the *U.S. Code*.

[21] The Treasury Department and the Internal Revenue Service (IRS) also have administrative responsibilities for presidential public financing. However, Congress does not appropriate funds for the program. For a brief overview, see additional discussion in CRS Report R41604, *Proposals to Eliminate Public Financing of Presidential Campaigns*, by (continued...)

FEC appropriations have generally been noncontroversial and subject to limited debate in committee or on the House and Senate floors.[22]

For FY2018, the agency requested $71.25 million, approximately $7.9 million less than the FY2017-enacted amount.[23] H.R. 3354 as passed by the House included the requested $71.25 million as would the Senate draft bill. Congress appropriated the additional $7.9 million in FY2017 in anticipation of the FEC's expiring lease for office space at 999 E Street, NW.[24] In FY2018, the agency is scheduled to move to 1050 First Street, NE. As in previous years, approximately 90% of the agency's budget is expected to fund salaries and benefit, information technology (IT), and facilities expenses.[25]

As in previous years, other sections of the FSGG legislation contained provisions related to campaign finance policy:

- Section 629 of the House-passed version would prohibit the Securities and Exchange Commission (SEC) from issuing rules "regarding disclosure of political contributions" or payments for trade-association dues.
- Section 630 of the House-passed version would prohibit spending appropriated funds to enforce a FECA provision known as the "prior approval" rule.[26] This provision limits the number of trade associations that may solicit member-companies' employees.
- Section 734 of the House-passed version would prohibit reporting certain political contributions or expenditures as a condition of the government-contracting process.

P.L. 115-141 appropriated $71.25 million for the FEC; Section 629 of the House-passed version was included as Section 631 in the enacted law and Section 734 was included as Section 735.

For more information on the FEC and campaign finance issues, see CRS Report R41542, *The State of Campaign Finance Policy: Recent Developments and Issues for Congress*, by R. Sam Garrett.

Federal Trade Commission[27]

The Federal Trade Commission (FTC) has two primary responsibilities: (1) to protect consumers from deceptive or illegal business practices and (2) to maintain or enhance competition in a broad range of industries. It carries them out by enforcing laws prohibiting anticompetitive, deceptive, or unfair business practices; issuing new and revised regulations; and educating consumers and

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(...continued)

R. Sam Garrett.

[22] For additional discussion of current campaign finance issues, see CRS Report R41542, *The State of Campaign Finance Policy: Recent Developments and Issues for Congress*, by R. Sam Garrett.

[23] As an independent agency, the FEC simultaneously submits its budget request to the White House and to Congress.

[24] FEC, *Fiscal Year 2016 Congressional Budget Justification*, February 9, 2016, p. 3, at http://www.fec.gov/pages/budget/fy2017/fy_2017_congressional_budget.pdf.

[25] FEC, *Fiscal Year 2018 Congressional Budget Justification*, May 23, 2017, p. 6, at https://www.fec.gov/resources/cms-content/documents/FEC_FY_2018_Congressional_Budget_Justificiation.pdf.

[26] 52 U.S.C. §30118(b)(4)(D).

[27] This section authored by Gary Guenther .

business owners to foster informed consumer choices, improved compliance with the law, and vigorous competition in free and open markets.

Operating funds for the agency come from three sources, listed in descending order of importance: (1) direct appropriations, (2) pre-merger filing fees under the Hart-Scott-Rodino (HSR) Antitrust Improvements Act of 1976,[28] and (3) Do-Not-Call (DNC) Registry fees. In FY2017, of the FTC's enacted budget of $313.0 million, direct appropriations accounted for 53.3%, HSR filing fees for 41.8%, and DNC registry fees for 5.0%.

Under the President's FY2018 request, the FTC would have received $178.6 million in direct appropriations, $112.7 million in HSR filing fees, and $15 million in DNC registry fees. The FTC's FY2018 budget would have totaled $306.3 million or $6.7 million less than the FY2017 enacted amount. The budget request included a cut of $5 million in salaries and expenses to account for a projected decrease in full-time staff.

H.R. 3354 as passed by the House would have appropriated the same total amount that the Administration requested for the FTC in FY2018, consisting of $164.3 million in direct appropriations, $126 million from HSR filing fees, and $16 million from DNC registry fees.

In its report on the bill, the House Appropriations Committee directed the FTC to submit a report on its approach to enforcing the laws safeguarding the privacy of consumer information collected by Internet service providers and online services and its future plans for this enforcement activity. The House committee also ordered the agency to submit a report to both appropriations committees and several other congressional committees on the consumer benefits of credit education and improvement services, and the extent to which the Credit Repair Organizations Act "impedes the research, development, and provision of new credit education products, services, and technology."[29]

The Senate draft bill would have appropriated $306.3 million for the FTC, with $164.3 million in direct appropriations, $126 million from HSR filing fees, and $16 million from DNC registry fees.

P.L. 115-141 appropriated $306.3 million for the FTC, with $164.3 million in direct appropriations, $126 million from HSR filing fees, and $16 million from DNC registry fees.

General Services Administration[30]

The General Services Administration (GSA) administers federal civilian procurement policies pertaining to the construction and management of federal buildings, disposal of real and personal property, and management of federal property and records. It is also responsible for managing the funding and facilities for former Presidents and presidential transitions.

GSA's real property activities are funded through the Federal Buildings Fund (FBF). The FBF is a revolving fund, into which rental payments are deposited from federal agencies that lease GSA space. The fund's revenue is then made available by Congress each year to pay for specific activities: construction or purchase of new space, repairs and alterations to existing space, rental payments for space that GSA leases, installment payments, and other building operations expenses. These amounts are referred to as *limitations* because GSA may not obligate FBF funds

[28] P.L. 94-435.

[29] H.Rept. 115-234, pp. 50-51.

[30] This section authored by Garrett Hatch.

in excess of that permitted by Congress, regardless of how much revenue is available for obligation. Certain debts may also be paid for with FBF funds. A negative total for the FBF occurs when the amount of funds made available for expenditure in a fiscal year is less than the amount of new revenue expected to be deposited. A negative total does not mean that no funds are available from the FBF, only that there is a net gain to the fund under the proposed spending levels.

GSA's operating accounts are funded through direct appropriations, separate from the FBF. GSA's total funding amount is calculated by adding the net FBF appropriations made available and appropriations provided to the operating accounts. **Table 4** details GSA's enacted amounts for FY2017, the President's FY2018 request, the FY2018 amounts from H.R. 3554 as passed by the House, from the Senate Appropriations chairmen's draft bill, and the enacted amounts combined from P.L. 115-141 and P.L. 115-123.

Table 4. General Services Administration (GSA) Appropriations, FY2017-FY2018

(in millions of dollars)

Account	FY2017 Enacted	FY2018 Request	FY2018 House-Passed	FY2018 Senate Chairmen's Draft	FY2018 Enacted
Federal Buildings Fund	**-1,333**	**0**	**-2,109**	**-2,141**	**-877**
Limitations on Availability of Revenue	8,845	9,951	7,842	7,809	9,074
New Construction	*206*	*791*	—	—	*692*
Repairs and Alterations	*676*	*1,445*	*180*	*94*	*666*
Rental of Space	*5,628*	*5,494*	*5,447*	*5,494*	*5,494*
Building Operations	*2,335*	*2,222*	*2,215*	*2,222*	*2,222*
Rental Income to Fund	-10,178	-9,951	-9,951	-9,951	-9,951
Operating Accounts	**254**	**511**	**240**	**234**	**335**
Government-wide Policy	60	54	54	54	54
Operating Expenses	59	46	44	46	46
Civilian Board Contract Appeals	—	9	9	9	9
Office of Inspector General	65	65	65	65	65
Federal Citizens Services Fund	56	54	54	54	50
Former Presidents	4	5	5	5	5
Presidential Transition	10	—	—	—	—
Technology Modernization Fund	—	228	—	—	100
Asset Proceeds and Space Management Fund	—	40	8	—	5
Environmental Review Improvement Fund	—	10	1	1	1
Rescissions	**-15**	—	**-200**	**-200**	—
Total	**-1,095**	**509**	**-2,068**	**-2,108**	**-543**

Sources: P.L. 115-141 and Explanatory Statement, P.L. 115-123, H.R. 3280, H.Rept. 115-234, H.R. 3354, draft Senate Chairmen's bill (https://www.appropriations.senate.gov/download/fy2018-fsgg-chairmens-mark) and Explanatory Statement (https://www.appropriations.senate.gov/download/fy2018-fsgg-explanatory-statement).

Notes: Rescission enacted in FY2017 was for the civilian cyber campus. The rescission proposed in the Senate draft bill was for the FBI headquarters.

As shown in **Table 4**, the President proposed a limit of $9.951 billion from the FBF's available revenue for GSA's real property activities for FY2018, an increase of $1.106 billion above the amount provided in FY2017. The House-passed bill included a limit of $7.842 billion, which would have been a decrease of $1.003 billion from FY2017-enacted appropriations and $2.109 billion less than the President's request for FY2018. The Senate draft bill would have provided a limit of $7.809 billion, which would have been $1.036 billion less than the FY2017 enacted amount and $2.142 billion less than the President requested. P.L. 115-141 provided a limit of $9.074, an increase of $229 million above the amount provided for FY2017 and $877 million less than the President requested.

The President also requested $511 million for GSA's operating accounts, an increase of $257 million above the FY2017-enacted level. The President's request included $40 million for the newly created Asset Proceeds and Space Management Fund (APSMF). Appropriations in the APSMF are to be used to carry out actions pursuant to the recommendations of the Public Buildings Reform Board, which was established by the Federal Assets Sale and Transfer Act of 2016 (FAST Act).[31] The President's request also included $10 million for another new account, the Environmental Review Improvement Fund. Appropriations in this account would fund activities related to reforming the environmental review process and the work of the Federal Permitting Improvement Steering Council. The council would address issues surrounding modernization of federal permitting for major infrastructure projects and help implement the FAST Act. Finally, the President requested $228 million for a new Technology Modernization Fund to support improvements in agency information technology systems.

The House-passed bill would have appropriated $240 million for GSA's operating accounts, $14 million less than the FY2017-enacted amounts and $271 million less than the President requested. The Senate draft bill would have provided $234 million for GSA's operating accounts, which would have been $20 million less than the FY2017-enacted amounts and $277 million less than the President requested. P.L. 115-141 provided $335 million for GSA's operating accounts, which was $81 million more than provided for FY2017 and $176 million less than the President requested.

In addition to the regular FY2018 appropriations in P.L. 115-114, P.L. 115-123 included an additional $127 million in emergency supplemental GSA appropriations in response to recent disasters.

Independent Agencies Related to Personnel Management Appropriations

The FSGG appropriations bill includes funding for four agencies with personnel management functions: the Federal Labor Relations Authority (FLRA), the Merit Systems Protection Board (MSPB), the Office of Personnel Management (OPM), and the Office of Special Counsel (OSC). **Table 5** lists the enacted amounts for FY2017, the President's FY2018 request, the FY2018

[31] P.L. 114-287.

amounts from H.R. 3354 as passed by the House, from the Senate Appropriations chairmen's draft bill, and the enacted amounts from P.L. 115-141.

Table 5. Independent Agencies Related to Personnel Management Appropriations, FY2017-FY2018

(in millions of dollars)

Agency	FY2017 Enacted	FY2018 Request	FY2018 House-Passed	FY2018 Senate Chairmen's Draft	FY2018 Enacted
Federal Labor Relations Authority	$26	$26	$26	$26	$26
Merit Systems Protection Board (total)	47	47	47	47	47
Salaries and Expenses	*45*	*44*	*44*	*44*	*44*
Limitation on Administrative Expenses	*2*	*2*	*2*	*2*	*2*
Office of Personnel Management (total)	21,504	25,344	21,905	21,905	21,905
Salaries and Expenses	*119*	*148*	*129*	*129*	*129*
Limitation on Administrative Expenses	*140*	*131*	*131*	*131*	*131*
Office of Inspector General (salaries and expenses)	*5*	*5*	*5*	*5*	*5*
Office of Inspector General (limitation on administrative expenses)	*25*	*25*	*25*	*25*	*25*
Government Payments for Annuitants, Employee Health Benefits (mandatory, Title VI)	*12,699*	*13,431*	*13,202*	*13,202*	*13,202*
Government Payments for Annuitants, Employee Life Insurance (mandatory, Title VI)	*47*	*46*	*48*	*48*	*48*
Payment to Civil Service Retirement and Disability Fund (mandatory, Title VI)	*8,469*	*11,558*	*8,365*	*8,365*	*8,365*
Office of Special Counsel	$25	$27	$25	$27	$27

Sources: P.L. 115-31 and Explanatory Statement, H.R. 3280, H.Rept. 115-234, H.R. 3354, draft Senate Chairmen's bill (https://www.appropriations.senate.gov/download/fy2018-fsgg-chairmens-mark) and Explanatory Statement (https://www.appropriations.senate.gov/download/fy2018-fsgg-explanatory-statement), and P.L. 115-141 and Explanatory Statement.

Notes: All figures are rounded, and columns may not sum due to rounding.

The payments for health benefits, life insurance, and civil service retirement and disability are mandatory appropriations. Appropriations bills have generally provided "the amounts required under current law" for these accounts with P.L. 115-141 containing this language. For FY2018 (as in FY2012, FY2013, FY2014, in the House bill and FY2015, FY2016, and FY2017, in the House and Senate bills), the House and Senate Appropriations Committees did not include funding for these accounts in Title V of the FSGG bill, as it had in previous years. Instead funding for these accounts appeared in Title VI of the respective bills (Section 619(a)(3)(4)(5) [FY2018]). The amounts for the FY2018 request are taken from U.S. Office of Personnel Management, *Congressional Budget Justification Fiscal Year 2018*, May 2017, pp. 126-128.

Federal Labor Relations Authority[32]

The FLRA is an independent federal agency that administers and enforces Title VII of the Civil Service Reform Act of 1978.[33] Title VII is called the Federal Service Labor-Management Relations Statute (FSLMRS). The FSLMRS gives federal employees the right to join or form a union and to bargain collectively over the terms and conditions of employment. Employees also have the right not to join a union that represents employees in their bargaining unit. The statute excludes specific agencies and gives the President the authority to exclude other agencies for reasons of national security.[34] Agencies that are specifically excluded by law are the Federal Bureau of Investigation (FBI), Central Intelligence Agency (CIA), Government Accountability Office (GAO), National Security Agency (NSA), Tennessee Valley Authority (TVA), FLRA, Federal Service Impasses Panel (FSIP), and U.S. Secret Service.

The FLRA is composed of a three-member authority, the Office of General Counsel, and the FSIP. The three members of the authority and the General Counsel are appointed to five-year terms by the President with the advice and consent of the Senate. The members of the FSIP are appointed by the President.

The authority resolves disputes over the composition of bargaining units, charges of unfair labor practices, objections to representation elections, and other matters. The General Counsel's office conducts representation elections, investigates charges of unfair labor practices, and manages the FLRA's regional offices. The FSIP resolves labor negotiation impasses between federal agencies and labor organizations.

For FY2018, the President requested appropriations of $26.2 million for the FLRA. This amount would fund 121 full-time equivalents (FTEs), 8 FTEs less than the FY2017 estimated level of 129 FTEs.[35] H.R. 3354 as passed by the House included, and the Senate draft bill would have provided, $26.2 million as the President requested. P.L. 115-141 appropriated $26.2 million.

Merit Systems Protection Board[36]

The MSPB is an independent, quasi-judicial agency established to protect the civil service merit system.[37] The MSPB adjudicates appeals primarily involving personnel actions, certain federal employee complaints, and retirement benefits issues.

The President's budget requested FY2018 appropriations of $46.8 million (including $44.5 million for salaries and expenses) for the MSPB. This amount would fund 235 FTEs, the same as the FY2017-enacted level. The justification that accompanied the MSPB budget submission explained that the request would "fund the anticipated FY2018 pay raise" and continue the agency's "efforts to develop and maintain a planned hosted data center migration and e-Adjudication projects addressing [MSPB's information technology] IT infrastructure needs."[38]

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[32] This section authored by Barbara L. Schwemle.

[33] P.L. 95-454.

[34] 5 U.S.C. §7103.

[35] U.S. Federal Labor Relations Authority, *Congressional Budget Justification Fiscal Year 2018*, May 2017, p. 14.

[36] This section authored by Barbara L. Schwemle.

[37] The Merit Systems Protection Board's (MSPB's) authorization expired on September 30, 2007 (5 U.S.C. §5509).

[38] MSPB, *Congressional Budget Justification FY2018*, May 2017, p. 9, and cover letter.

H.R. 3354 as passed by the House included, and the Senate draft bill would have provided, the $46.8 million as the President requested. P.L. 115-141 appropriated $46.8 million.

Office of Personnel Management[39]

OPM is responsible for personnel management of the civil service of the federal government. The President's budget requested FY2018 appropriations of $148.3 million for OPM salaries and expenses. This amount included funding of $37 million to remain available until expended for information technology (IT) infrastructure modernization and Trust Fund Federal Financial System migration or modernization. It also included $584,000 to strengthen the capacity and capabilities of the acquisition workforce, including the recruitment, hiring, training, and retention of the acquisition workforce, and to modernize IT in support of acquisition workforce effectiveness or management.[40] The budget also requested appropriations of $131.4 million for trust fund transfers, $5 million for OIG salaries and expenses, and up to $25 million for OIG trust fund transfers for FY2018. OPM requested an FTE employment level of 6,376 for FY2018, an increase of 500 FTEs above the FY2017-enacted level of 5,876 FTEs.[41]

The agency's budget submission stated that the request "will enable OPM to continue to address critical information technology (IT) infrastructure and investments necessary to maintain its security posture and respond to changing business needs and Federal mandates."[42] In addition, the budget will allow the OIG to "continue its oversight of agency programs and operations by conducting audits, investigations, and evaluations and inspections of OPM programs, including the FEHBP [Federal Employees' Health Benefits Program] and retirement trust fund programs, OPM revolving fund programs, oversight of the OPM financial statement, and other program areas" and "will continue to advance its prescription drug audit program [and the] FEHBP claims data warehouse initiative." The OIG will also "provide oversight through all phases" of the agency's IT infrastructure project, which includes "a data center consolidation and potential mainframe migrations."[43]

H.R. 3354 as passed by the House included, and the Senate draft bill would have provided, appropriations of $129.3 million for OPM salaries and expenses,[44] $131.4 million for trust fund transfers, $5 million for OIG salaries and expenses, and up to $25 million for OIG trust fund transfers. P.L. 115-141 appropriated these amounts.[45] The OPM salaries and expenses amount is $19 million less than the President's request. The other amounts are the same as that request.

[39] This section authored by Barbara L. Schwemle.

[40] OMB, *Appendix, Budget of the United States, FY2018*, p. 1089.

[41] U.S. Office of Personnel Management, *Congressional Budget Justification FY2018*, May 2017, p. 9.

[42] OMB, *Appendix, Budget of the United States, FY2018*, p. 1089.

[43] Ibid., p. 1091.

[44] H.R. 3354 as passed by the House recommended that, of this amount, $18 million would remain available until expended for IT infrastructure modernization and Trust Fund Federal Financial System migration or modernization. The amount may not be obligated until the OPM Director submits an expenditure plan, prepared in consultation with the OMB Director, the Administrator of the United States Digital Service, and the Secretary of Homeland Security, to the House and Senate Appropriations Committees. The House-passed bill specified the contents and requirements for the expenditure plan. In addition, of the $129.3 million, $584,000 would be provided to strengthen the capacity and capabilities of the acquisition workforce.

[45] P.L. 115-141 provided $21 million for OPM to improve IT security and infrastructure. It directed OPM to provide quarterly briefings to the House and Senate Committees on Appropriations on "progress on its infrastructure improvement project to increase network security and migrate legacy systems, including the Consolidated Business Information Systems." The amount may not be obligated until the OPM Director submits an expenditure plan, prepared (continued...)

H.R. 3354 as passed by the House would have required the Comptroller General to submit a report to the House and Senate Appropriations Committees within six months after the act's enactment that would

- evaluate OPM's (1) steps taken to prevent, mitigate, and respond to data breaches involving sensitive personnel records and information; (2) cybersecurity policies and procedures in place on this act's enactment date, including policies and procedures relating to IT best practices for data encryption, multifactor authentication, and continuous monitoring; (3) oversight of contractors providing IT services; and (4) compliance with government-wide initiatives to improve cybersecurity; and
- set forth improvements that could be made to assist OPM in addressing cybersecurity challenges.

The report that accompanied H.R. 3280 included several directives to OPM as follows:

- *Federal retirement process modernization*—The House committee directed OPM to "continue to make retirement processing a priority and move to a fully-automated electronic filing system," and also directed OPM to continue to provide monthly reports to the House and Senate Appropriations Committees on progress in addressing backlogs.
- *Information technology*—The House committee directed OPM to "continue to take steps to secure the personally identifiable information and material relating to security clearances" and to continue upgrades to IT security.
- *Security Clearance Investigations*—The House committee directed OPM to "continue to make security clearance processing a priority and to make necessary administrative or regulatory reforms to expedite investigations, reviews, and approvals."
- *National Background Investigations Bureau (NBIB)*—The House committee directed OPM to provide biannual progress reports to the House and Senate Committees on Appropriations on "the NBIB implementation plan, timeline, and milestones; costs for each phase of implementation and anticipated outyear costs; governance, resource management and accountability policies between OPM and the Department of Defense; and a human capital plan." The OPM OIG must submit a report to the House and Senate Committees on Appropriations, within 12 months after the act's enactment, "assessing the implementation of NBIB; staffing needs and any performance issues; current and future costs; governance and accountability structure among the NBIB, [DOD], OPM IG and Performance Accountability Council; and recommendations and weaknesses found."
- *Critical OPM functions*—The House committee reminded OPM to "not lose sight of" fulfilling functions critical to the agency's mission, including recruitment, retention, and development of the federal workforce.

(...continued)

in consultation with the OMB Director, the Administrator of the United States Digital Service, and the Secretary of Homeland Security, to the House and Senate Appropriations Committees, within 90 days of the act's enactment. The law specified the contents and requirements for the expenditure plan. The OPM IG must provide review and comment on the plan within 60 days.

- *Recruitment*—The House committee directed OPM to report to the House and Senate Committees on Appropriations by September 30, 2018, "on a plan to reduce barriers to Federal employment, reduce delays in the hiring process, and ... improve the overall federal recruitment and hiring process." Federal agencies are to increase recruitment efforts within the United States and the territories and at Hispanic Serving Institutions and Historically Black Colleges and Universities. The committee encouraged OPM to review the recommendations in a GAO report on hiring authorities and provide "educational outreach" and resources to federal agencies when critical positions are being filled. [46]
- *CyberCorps Scholarship for Service Program*—The House committee directed OPM to report to the House and Senate Appropriations Committees, the House Permanent Select Committee on Intelligence, and the Senate Select Committee on Intelligence within 90 days after the act's enactment on OPM actions to improve the hiring of CyberCorps graduates.
- *Acquisition Planning*—The House committee directed OPM to report to the House and Senate Appropriations Committees on actions taken to improve acquisition planning, expected results, and impact on the security clearance process.[47]

The explanatory statement for the Consolidated Appropriations Act, 2018 included the following directives to OPM:

- *OPM Cybersecurity*—In lieu of the House committee report language on the National Bureau of Investigations, GAO is directed to brief the House and Senate Committees on Appropriations within six months after the act's enactment on actions taken by OPM to respond to GAO's recommendations on information security.[48] The explanatory statement expressed the expectation that OPM "take the steps necessary to complete outstanding GAO recommendations to improve its information security."
- *OPM Modernization*—OPM is directed to continue providing reports and briefings on the status of modernization efforts and the strategic technology plan when developments and milestones occur and as future plans are determined.
- *Retirement Backlog*—OPM is directed to continue providing monthly progress reports to the House and Senate Committees on Appropriations on the retirement claims backlog.[49]

Section 619(a) (3), (4), and (5) of H.R. 3354 as passed by the House, the Senate draft bill, and P.L. 115-141 provided the mandatory appropriations for the health benefits, life insurance, and retirement accounts. According to the House Committee on Appropriations report, "These are accounts where authorizing language requires the payment of funds." The House report stated

[46] U.S. Government Accountability Office (GAO), *Federal Hiring: OPM Needs to Improve Management and Oversight of Hiring Authorities*, GAO-16-521, September 1, 2016.

[47] The House committee directives are included in H.Rept. 115-234, pp. 64-65.

[48] The explanatory statement noted GAO's findings that "OPM had not taken sufficient actions to prevent, mitigate, and respond to data breaches involving sensitive personal and background investigation information, and had not effectively implemented information security controls in selected high-impact systems." GAO reports included 80 recommendations, the vast majority of which OPM has not implemented. (Explanatory Statement, *Congressional Record*, vol. 164, Book II, March 22, 2018, p. H2522.)

[49] Ibid.

that the Congressional Budget Office (CBO) estimated $13.2 billion for the Government Payment for Annuitants, Employee Health Benefits; $48.0 million for the Government Payment for Annuitants, Employee Life Insurance; and $8.4 billion for Payment to the Civil Service Retirement and Disability Fund.[50]

Office of Special Counsel[51]

The OSC is an independent federal investigative and prosecutorial agency whose mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing.[52]

The President's budget requested FY2018 appropriations of $26.5 million for the OSC. The agency's FTE employment level was estimated to be 144 for FY2018, an increase of 9 FTEs above the FY2017-estimated level of 135 FTEs.[53] For FY2017 and FY2018, the budget submission projected that whistleblower disclosure, Hatch Act, and prohibited personnel practice cases would "follow recent trends and stabilize around 6,000 new cases received each year." The requested funding was said to "enable OSC to meet rising demand for [the agency's] services, protect the growing number of whistleblowers in the VA [Veterans Affairs] and other agencies, protect the employment rights of returning service members, manage continually rising case levels, and protect the Federal merit system from prohibited personnel and political practices."[54]

H.R. 3354 as passed by the House included an appropriation of $24.7 million, almost $1.8 million less than the President's request. The Senate draft bill would have provided, and P.L. 115-141 appropriated, the same amount as the President requested.

National Archives and Records Administration[55]

The National Archives and Records Administration (NARA) is an independent agency created to preserve the records of the U.S. government, oversee the recordkeeping in the various government agencies and make government records publicly available.

The Administration requested $376 million for NARA for FY2018, over $16 million less than FY2017. [56] H.R. 3354 as passed by the House included $380 million while the Senate draft bill would have appropriated $403 million. P.L. 115-141 appropriated $403.2 million for NARA.[57]

[50] H.Rept. 115-234, p. 102.

[51] This section authored by Barbara L. Schwemle.

[52] Section 1097 of P.L. 115-91, the National Defense Authorization Act for Fiscal Year 2018, enacted on December 12, 2017, reauthorized (5 U.S.C. §5509) the Office of Special Counsel through 2023.

[53] U.S. Office of Special Counsel, *Congressional Budget Justification and Performance Budget Goals Fiscal Year 2018*, May 2017, p. 20.

[54] OMB, *Appendix, Budget of the United States, FY2018*, p. 1203.

[55] This section authored by Meghan Stuessy.

[56] National Archives and Records Administration, *FY2018 Congressional Justification,* p. 2, at https://www.archives.gov/files/about/plans-reports/performance-budget/fy-2018-performance-budget.pdf.

[57] The Administration amounts and the amounts in the appropriations bills do not match those in the summary tables of the House and Senate Committee reports due to the accounting treatment of the repayment of principal on the construction of the Archives II facility. In addition, the budget justification used an FY2017 figure based on the previous continuing resolution rather than the final enacted amount.

National Credit Union Administration[58]

The National Credit Union Administration (NCUA) is an independent federal agency funded largely by the credit unions that the agency charters, insures, and regulates. The NCUA manages the Community Development Revolving Loan Fund (CDRLF). Established in 1979, the CDRLF assists officially designated *low-income* credit unions in providing basic financial services to low-income communities. Low-interest loans and deposits are made available to assist these credit unions. Loans or deposits are normally repaid in five years, although shorter repayment periods may be considered. Technical assistance grants are also available to low-income credit unions. Earnings generated from the CDRLF are available to fund technical assistance grants in addition to funds provided for specifically in appropriations acts. Grants are available for improving operations as well as addressing safety and soundness issues. The President requested no money be appropriated for the CDRLF in FY2018, whereas H.R. 3354 as passed by the House and the Senate draft bill would both have appropriated $2 million, the same amount as in FY2017. P.L. 115-141 appropriated $2 million.

Office of Government Ethics[59]

The Office of Government Ethics (OGE) is an independent federal agency, established by the Ethics in Government Act of 1978, charged with promulgating rules and regulations pertaining to financial disclosure, conflict of interest, and ethics in the executive branch.[60]

OGE is headed by a director who is appointed to a five-year term by the President with Senate confirmation. According to its website, OGE provides education and training to executive branch ethics officials. "OGE does not adjudicate complaints, investigate matters within the jurisdiction of Inspectors General and other authorities, or prosecute ethics violations."[61]

For FY2018, the President's request for OGE was $16.4 million, a $349,000 increase over FY2017. H.R. 3354 as passed by the House and the Senate draft bill both included $16.4 million as requested. P.L. 115-141 appropriated $16.4 million for OGE.

Privacy and Civil Liberties Oversight Board[62]

The Privacy and Civil Liberties Oversight Board (PCLOB) was originally established in 2004 by the Intelligence Reform and Terrorism Prevention Act[63] as an agency within the Executive Office of the President.[64] PCLOB was reconstituted as an independent agency within the executive branch by the Implementing Recommendations of the 9/11 Commission Act of 2007.[65] The five-

[58] For more information on the National Credit Union Administration (NCUA) and credit unions, see CRS Report R41718, *Federal Deposit Insurance for Banks and Credit Unions*, by Darryl E. Getter and CRS Report R43167, *Policy Issues Related to Credit Union Lending*, by Darryl E. Getter.

[59] This section authored by Jacob Straus.

[60] 5 U.S.C. Appendix §§401-408.

[61] Office of Government Ethics (OGE), "Mission & Responsibilities," *About*, at http://www.oge.gov/About/Mission-and-Responsibilities/Mission—Responsibilities.

[62] This section was authored by Garrett Hatch.

[63] P.L. 108-458.

[64] 118 Stat. 3638 at 3684.

[65] P.L. 110-53; 121 Stat. 266 at 352.

member board assumed its new status on January 30, 2008; its FY2009 appropriation was its first funding as an independent agency.

The board is to (1) ensure that privacy and civil liberties concerns are appropriately considered in the development and implementation of laws, regulations, and executive branch policies related to efforts to protect the nation against terrorism; (2) review the implementation of laws, regulations, and executive branch policies related to efforts to protect the nation from terrorism, including information sharing guidelines; and (3) analyze and review actions the executive branch takes to protect the nation from terrorism, ensuring that the need for such actions is balanced with the need to protect privacy and civil liberties. In addition, the board is to (1) advise the President and the heads of executive branch departments and agencies on issues concerning, and findings pertaining to, privacy and civil liberties; and (2) provide annual reports to Congress detailing its activities during the year, and upon request, board members appear and testify before congressional committees.

For FY2018, the President requested $8 million for the PCLOB, compared with $10.1 million appropriated in FY2017. H.R. 3354 as passed by the House and the Senate draft bill both included the requested $8 million. P.L. 115-114 appropriated $8 million for the PCLOB.

Public Company Accounting Oversight Board[66]

The Public Company Accounting Oversight Board (PCAOB)[67] was created by the Sarbanes-Oxley Act of 2002 (Sarbanes-Oxley)[68] as a nonprofit corporation to provide independent oversight of audits of public companies. Amendments in the Dodd-Frank Act provided that the PCAOB is generally funded outside the appropriations process through the annual accounting support fees assessed on public companies and other issuers, as well as brokers and dealers registered with the SEC.

Sarbanes-Oxley created a merit scholarship for undergraduate and graduate students enrolled in the accredited accounting degree program that was to be funded by monetary penalties imposed by the PCAOB, notwithstanding other requirements of the act. The scholarship program is administered by an outside vendor under the rules established by the PCAOB.[69] Section 620 of the Senate draft bill would have provided an "amount not exceeding the amount of funds collected by the Board as of December 31, 2017, including accrued interest, as a result of the assessment of monetary penalties" for these scholarships. According to the draft report summary table, this amount would be $1 million. The same amount was provided in FY2017, but no such funding was included in the FY2018 Administration request, nor in H.R. 3354 as passed by the House. P.L. 115-141 included a similar Section 620 specifying that not more than $1 million should be spent on such scholarships.

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[66] This section authored by Raj Gnanarajah.

[67] For more information about Public Company Accounting Oversight Board (PCAOB), see CRS Report R44894, *Accounting and Auditing Regulatory Structure: U.S. and International*, by Raj Gnanarajah.

[68] P.L. 107-204; 15 U.S.C. §7219.

[69] PCAOB, *PCAOB Scholarship Program*, https://pcaobus.org/About/Pages/Academic_Scholarship.aspx.

Securities and Exchange Commission[70]

The SEC administers and enforces federal securities laws to protect investors from fraud, ensure that sellers of corporate securities disclose accurate financial information, and maintain fair and orderly trading markets. The SEC's budget is set through the normal appropriations process, but, under the Dodd-Frank Act, the agency's appropriations are offset by fees it collects from securities exchanges on stock sales and certain other securities transactions on those exchanges. The collections go directly to the Treasury Department. To achieve the offset, the act requires the agency to adjust its fees' rates, making the agency's budget deficit-neutral.

The President's FY2018 request for the SEC totaled $1.85 billion, compared with the FY2017-enacted level of $1.61 billion, with $245 million in FY2018 for a new headquarters lease. H.R. 3354 as passed by the House included $1.90 billion the SEC for FY2018, while the Senate draft bill included $1.85 billion.

In addition to amounts approved in the regular appropriations process, the Dodd-Frank Act also established an SEC reserve fund to enable the agency to plan for certain long-term expenses, potentially freeing up other funds for agency use in areas such as enforcement and regulation. The reserve fund is funded by the agency's traditional collections on registration fees. In any single fiscal year, the SEC may not collect more than $50 million in fees for the reserve fund, and it cannot exceed more than $100 million. Excess collections go to the Treasury Department.

In FY2017, $25 million was rescinded from the SEC reserve fund. For FY2018, the President's request would rescind $25 million, whereas H.R. 3354 as passed by the House would have rescinded the entire amount in the fund, $75 million according to the House report.[71] The Senate draft bill would not have rescinded funds from the SEC reserve fund.

P.L. 115-141 appropriated $1.90 billion for the SEC, entirely offset by fee collections, with $245 million specifically for the headquarters lease. It did not rescind any monies from the SEC reserve fund.

Selective Service System[72]

The Selective Service System (SSS) is an independent federal agency operating with permanent authorization under the Military Selective Service Act.[73] It is not part of the Department of Defense, but its mission is to serve the emergency manpower needs of the military by conscripting personnel when directed by Congress and the President. Most males aged 18 through 25 and living in the United States are required to register with the SSS. The induction of men into the military via Selective Service (i.e., the draft) terminated in 1973 and has not been renewed. In January 1980, President Carter asked Congress to authorize standby draft registration of both men and women. Congress approved funds for male-only registration in June 1980. Women are now allowed to serve in combat units and occupations, which may lead to the modification of registration to include women.[74]

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[70] This section authored by Gary Shorter.

[71] H.Rept. 115-234, p. 130.

[72] This section authored by Kristy Kamarck.

[73] 50 U.S.C. §§3801 et seq.

[74] For more details regarding recent authorization issues, see "Selective Service" in CRS Report R44577, *FY2017 National Defense Authorization Act: Selected Military Personnel Issues*, by Kristy N. Kamarck et al. For more information on women in combat, see CRS Report R42075, *Women in Combat: Issues for Congress*, by Kristy N. (continued...)

Funding of the SSS has remained relatively stable over the years in terms of absolute dollars, but has decreased in terms of inflation adjusted funding. For FY2018, the President requested and H.R. 3354 as passed by the House, the Senate draft bill and P.L. 115-141 all included $22.9 million, the same amount as FY2017.

Small Business Administration[75]

The Small Business Administration (SBA) administers a number of programs intended to assist small businesses. For example, the SBA (1) guarantees loans made by banks and other financial institutions to small businesses; (2) makes low-interest loans to small businesses, nonprofit organizations, and households that are victims of natural disasters and acts of terrorism; (3) finances training and technical assistance programs for small business owners and prospective owners; and (4) serves as an advocate for small business within the federal government.

The President requested an appropriation of $829.1 million for the SBA for FY2018, $57.6 million less than was appropriated in FY2017. The request included $265.0 million for salaries and expenses, $192.5 million for entrepreneurial development and non-credit programs, $152.8 million for business loan administration, $3.4 million for business loan subsidy costs, $19.9 million for the Office of the Inspector General, $9.1 million for the Office of Advocacy, and $186.5 million for disaster assistance. The Administration also requested authorization levels of $29.0 billion for the 7(a) loan guaranty program, $7.5 billion for the 504/CDC loan guaranty program, $4.0 billion for the Small Business Investment Company (SBIC) program, and $12.0 billion for SBA-guaranteed trust certificates for the SBIC program.[76] In addition, the Administration requested a rescission of $2.6 million in the Immediate Disaster Assistance and Expedited Disaster Assistance Loan programs.

The House-passed bill would have appropriated $862.8 million for the SBA for FY2018, $33.7 million more than the Administration's request. Of the appropriated amount, $260.0 million would have gone to salaries and expenses and $231.1 million would have gone to entrepreneurial development and non-credit programs. The remaining budget account amounts, authorization levels, and rescission followed the request. In addition, the House-passed bill included a provision to allow Microloan intermediaries to spend up to 50%, instead of up to 25%, of their technical assistance grant funds on prospective borrowers and up to 50%, instead of 25%, of those grant funds on contracts with third parties to provide technical assistance.

The Senate Committee on Appropriations' chairmen's recommended FSGG draft bill would have appropriated $886.3 million for the SBA for FY2018, $57.1 million more than the Administration's request. Of the appropriated amount, $269.5 million would have gone to salaries and expenses and $245.1 million would have gone to entrepreneurial development and non-credit programs. The remaining budget account amounts, authorization levels, and rescission followed the request.[77] The chairmen's recommended FSGG draft bill did not include the Microloan technical assistance provisions.

(...continued)

Kamarck.

[75] This section authored by Robert Dilger and Sean Lowry. For additional information concerning the SBA's programs see CRS Report RL33243, *Small Business Administration: A Primer on Programs and Funding*, by Robert Jay Dilger and Sean Lowry. For additional information concerning the SBA's budget, see CRS Report R43846, *Small Business Administration (SBA) Funding: Overview and Recent Trends*, by Robert Jay Dilger.

[76] OMB, *Appendix, Budget of the United States, FY2018*, pp. 1101-1110.

[77] The Senate-passed bill would have appropriated slightly less for business loan credit subsidies.

The SBA's final appropriation amount for FY2018 in P.L. 115-141 was $700.8 million: $268.5 million for salaries and expenses, $247.1 million for entrepreneurial development and non-credit programs, and no funding for disaster assistance. No disaster assistance funding was deemed necessary for FY2018 because P.L. 115-123 included an additional $1.66 billion for the SBA, largely to address disaster costs from hurricanes in 2017.[78] The SBA was authorized to use up to $618.0 million of that supplemental funding for disaster assistance administrative costs. The remaining budget account amounts, authorization levels, and rescission followed the request. In addition, the House's Microloan provisions were also enacted.

United States Postal Service[79]

The U.S. Postal Service (USPS) generates almost all of its funding—nearly $69 billion annually—by charging mail users for the costs of the services it provides.[80] Congress, however, does provide annual appropriations to compensate USPS for revenue it forgoes in providing free mailing privileges to the blind[81] and overseas voters.[82] Congress authorized appropriations for these purposes in the 1993 Revenue Forgone Reform Act (RFRA).[83] This act also permitted Congress to provide USPS with a $29 million annual reimbursement until 2035 to compensate for lost revenue providing additional below-cost postal services during the RFRA's phase-in period.[84] Funds appropriated to the USPS for the annual reimbursement and revenue forgone are deposited in the Postal Service Fund, which is a revolving fund at the Department of the Treasury that is used to pay the operating expenses of USPS, the U.S. Postal Service Office of Inspector General (USPSOIG), and the Postal Regulatory Commission (PRC).[85]

The Postal Accountability and Enhancement Act (PAEA), which was enacted on December 20, 2006, first affected the postal appropriations process in FY2009. Under the PAEA, both the USPSOIG and the PRC must submit their budget requests directly to Congress and to OMB.[86] The law requires that funding for these two agencies must be provided out of the Postal Service

[78] "Explanatory Statement Regarding the House Amendment to the Senate Amendment on H.R. 1625," *Congressional Record*, vol. 164, no. 50, Book II, March 22, 2018.

[79] This section authored by Michelle Christensen. Also see CRS Report RS21025, *The Postal Revenue Forgone Appropriation: Overview and Current Issues*, by Kevin R. Kosar. (This author has left CRS. For questions about this topic, please contact Michelle D. Christensen.)

[80] U.S. Postal Service (UPSP), *2015 Annual Report, SEC Form 10-K*, November 13, 2015, p. 12, at http://about.usps.com/who-we-are/financials/10k-reports/fy2015.pdf.

[81] 84 Stat. 757; 39 U.S.C. §3403. See also USPS, *Mailing Free Matter for Blind and Visually Handicapped Persons: Questions and Answers*, Publication 347, October 2015, at http://about.usps.com/publications/pub347/pub347_v03_revision_102015.htm.

[82] Members of the Armed Forces and U.S. citizens who live abroad are eligible to register and vote absentee in federal elections under the provisions of the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (42 U.S.C. §1973ff-ff-6).

[83] P.L. 103-123, Title VII; 107 Stat. 1267; 39 U.S.C. §2401(c)-(d). Also see CRS Report RS21025, *The Postal Revenue Forgone Appropriation: Overview and Current Issues*, by Kevin R. Kosar. (This author has left CRS. For questions about this topic, please contact Michelle D. Christensen.)

[84] Ibid. During the phase-in period—1991 to 1998—the USPS continued to provide below-cost postage to certain mailers (e.g., nonprofit organizations). Also see USPS, *2015 Annual Report, SEC Form 10-K*, November 13, 2015, p. 57.

[85] 39 U.S.C. §2003. The Postal Regulatory Commission (PRC) is an independent agency responsible for regulatory oversight of the USPS, including USPS's compliance with applicable laws and its process for setting postal rates. See http://www.prc.gov/prc-pages/default.aspx.

[86] P.L. 109-435; 120 Stat. 3240-3241.

Fund.[87] The law further requires that USPSOIG's budget be treated as a component of USPS's budget, whereas the PRC's budget, like the budgets of other independent regulators, is treated separately.[88] **Table 6** summarizes the different appropriations for the USPS.

Table 6. United States Postal Service Appropriations, FY2017-FY2018

(in millions of dollars)

Agency	FY2017 Enacted	FY2018 President's Request	FY2018 House-Passed	FY2018 Senate Chairmen's Draft	FY2018 Enacted
USPS Payment into the Postal Service Fund *(annual appropriation)*	35	58	58	58	58
PRC *(via transfer from Postal Service Fund)*	16	14	15	15	15
USPSOIG *(via transfer from Postal Service Fund)*	254	235	235	245	245

Sources: P.L. 115-31 and Explanatory Statement, H.R. 3280, H.Rept. 115-234, H.R. 3354, draft Senate Chairmen's bill (https://www.appropriations.senate.gov/download/fy2018-fsgg-chairmens-mark) and Explanatory Statement (https://www.appropriations.senate.gov/download/fy2018-fsgg-explanatory-statement), and P.L. 115-141 and Explanatory Statement.

Payment to the Postal Service Fund for Revenue Forgone

In the FY2018 budget submission, the President requested $58.1 million for the Postal Service Fund, which is about $23.4 million more than the USPS's FY2017 appropriation.[89] Pursuant to the statutory requirement that the President submit the USPS's budget request to Congress without change,[90] the FY2018 budget submission also includes USPS's request of $71.3 million for FY2018, which is about $36.7 million more that its FY2017 appropriation.[91] H.R. 3554 as passed by the House would have provided $58.1 million, as would have the Senate draft bill. P.L. 115-141 appropriated $58.1 million.

U.S. Postal Service Office of Inspector General

In the FY2018 budget submission, the President requested $234.7 million for the USPSOIG, which is about $19 million less than the USPSOIG's FY2017 appropriation.[92] Pursuant to the statutory requirement that the President submit the USPSOIG's budget request to Congress

[87] Ibid.

[88] Ibid. Although Postal Accountability and Enhancement Act (PAEA) did not authorize any additional appropriations to the Postal Service Fund (PSF), it did alter the budget submission process for the USPS's Office of Inspector General (USPSOIG) and the Postal Rate Commission (now the Postal Regulatory Commission). In the past, the USPSOIG and the PRC submitted their budget requests to the USPS's Board of Governors. Accordingly, past presidential budgets did not include the USPOIG's or PRC's funding request or report on their current and estimated appropriations levels.

[89] OMB, *Appendix, Budget of the United States, FY2018*, p. 1205; P.L. 115-31.

[90] 39 U.S.C. §2009; P.L. 93-328.

[91] OMB, *Appendix, Budget of the United States, FY2018*, p. 1205; P.L. 115-31.

[92] OMB, *Appendix, Budget of the United States, FY2018*, p. 1208; P.L. 115-31.

without change,[93] the FY2018 budget submission also includes USPSOIG's request of $275.2 million for FY2018, which is $21.6 million more that its FY2017 appropriation.[94] The House-passed bill would have provided $234.7 million while the Senate draft bill would have provided $245 million. P.L. 115-141 appropriated $245 million.

Postal Regulatory Commission

The PRC and the President requested $14.4 million for FY2018, which is about $1.8 million less than the PRC's FY2017 appropriation.[95] H.R. 3554 as passed and the Senate draft bill would have provided the PRC with $15.2 million, which is $1 million less than the PRC's FY2017 appropriation and about $800,000 more than its FY2018 request. P.L. 115-141 provided the same $15.2 million.

USPS Policy Provisions

The House-passed bill included several long-standing postal policy provisions. For example, the bill would have

- required USPS to continue six-day mail delivery;
- required USPS to continue providing mail for overseas voting and mail for the blind free of charge;
- prohibited appropriated funds from being used to charge a fee to a child support enforcement agency seeking the address of a postal customer; and
- prohibited funds from being used to consolidate or close small rural and other small post offices.

In addition, the House committee report directed that the Postmaster General submit a report on actions taken and planned by the USPS to increase sales of the Multinational Species semipostal stamp.[96]

The President's FY2018 budget request, like the House measure, proposed extending the aforementioned long-standing appropriations policies, except for six-day mail delivery.[97] The Trump Administration proposes implementing several reforms intended to reduce costs and improve revenue, such as (1) reducing mail delivery frequency where there is a business case to do so; (2) shifting to centralized and curbside mail delivery, where appropriate; and (3) adjusting the rate structure to "provide enough flexibility to ensure both the stability of Postal operations and the ability of the Postal Service to meet its statutory obligations for retiree health and pension costs."[98]

The Administration also proposed several changes to USPS's liabilities for retirement and retiree health benefits, including

[93] 39 U.S.C. §2009; P.L. 109-435.

[94] OMB, *Appendix, Budget of the United States, FY2018*, p. 1208; P.L. 115-31.

[95] OMB, *Appendix, Budget of the United States, FY2018*, p. 1208; P.L. 115-31.

[96] H.Rept. 115-234, p. 74.

[97] OMB, *Appendix, Budget of the United States, FY2018*, p. 1207.

[98] Ibid.

- modifying the Postal Service's contributions for life and health insurance, and
- requiring OPM to use postal specific demographics to calculate unfunded liabilities and resulting amortization payments.

The President's FY2018 budget stated that these reforms would "reduce the budget deficit by $46 billion over 10 years and result in on-budget savings through higher payments from the Postal Service to on-budget OPM accounts."[99]

P.L. 115-141 included the policy provisions from the House-passed bill provisions and the Explanatory Statement endorsed the House report language. P.L. 115-141 did not enact the further reforms in the President's request.

United States Tax Court[100]

A court of record under Article I of the Constitution, the United States Tax Court (USTC) is an independent judicial body that has jurisdiction over various tax matters as set forth in Title 26 of the *United States Code*. The court is headquartered in Washington, DC, but its judges conduct trials in many cities across the country.

The USTC was appropriated $51.2 million in FY2017. The President requested $53.2 million for FY2018, the same amount that was included in the Senate draft bill. H.R. 3354 as passed by the House would have appropriated $51.1 million. P.L. 115-141 appropriated $50.7 million for the USTC in FY2018.

General Provisions Government-Wide[101]

The FSGG Appropriations Act includes general provisions applying government-wide. Most of the provisions include language that has appeared under the General Provisions title for several years because Congress has decided to reiterate the language rather than make the provisions permanent. An Administration's proposed government-wide general provisions for a fiscal year are generally included in the Budget Appendix.[102] Among the new provisions proposed but not enacted for FY2018 were the following:

- If new budget authority provided in FY2018 Appropriations Acts exceeds the discretionary spending limit for any category set forth in Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 because of estimating differences with CBO, the OMB director will make an adjustment to the FY2018 discretionary spending limit in such category in the amount of the excess.[103] The total of all such adjustments will not exceed 0.2% of the sum of the adjusted FY2018 discretionary spending limits for all categories. (Section 736, FY2018 budget proposal and Section 748 of the Senate draft bill.)
- An alien who is authorized to be employed in the United States pursuant to the Deferred Action for Childhood Arrivals (DACA) program established under the June 15, 2012, memorandum of the Secretary of Homeland Security would be

[99] Ibid.

[100] This section was authored by Garrett Hatch.

[101] This section authored by Barbara L. Schwemle.

[102] For FY2018, the provisions are listed in OMB, *Appendix, Budget of the United States, FY2018*, pp. 7-9.

[103] P.L. 99-177.

eligible for federal government employment.[104] (Section 746, H.R. 3280 as reported[105])

Cuba Sanctions[106]

The Treasury Department's Office of Foreign Assets Control (OFAC) administers the main body of Cuba embargo regulations, the Cuban Assets Control Regulations, which were first issued in 1963, and have been amended many times over the years to reflect changes in U.S. policy toward Cuba.[107] As reported, H.R. 3280 had two provisions that would have tightened U.S. economic sanctions on Cuba, but they were not included in P.L. 115-141.

Section 130 would have provided that no funds made available by the act could be used to approve, license, facilitate, authorize or otherwise allow the use, purchase, trafficking, or import of property confiscated by the Cuban government. The provision appeared to be aimed at prohibiting the importation of rum and tobacco products by authorized U.S. travelers as accompanied baggage. In the 114th Congress, a similar provision had been included in the House Appropriations Committee version of the FY2017 FSGG appropriations bill, H.R. 5485 (Section 133), but was not included in the FY2017 enacted omnibus appropriations measure.[108]

Section 131, which relates to a trademark sanction on Cuba, would have provided that no funds made available by the act could have been used to authorize a general license or approve a specific license with respect to a mark, trade name, or commercial name that is substantially similar to one that was used in connection with a business or assets that were confiscated by the Cuban government unless the original owner expressly consented. The provision, which would have prohibited OFAC from licensing the payment of trademark registration fees, relates to a long-standing dispute between a Cuban company and the Bermuda-based Bacardi Limited over the Havana Club trademark. In January 2016, OFAC issued a specific license for the Cuban company to make payments related to the renewal of the Havana Club trademark, and the U.S. Patent and Trademark Office subsequently renewed the Havana Club trademark until 2026. A similar provision had been included in H.R. 5485 in the 114th Congress, but was not included in the FY2017 final appropriations measure.

[104] For information on the DACA Program, see CRS Report R44764, *Deferred Action for Childhood Arrivals (DACA): Frequently Asked Questions*, by Andorra Bruno.

[105] H.R. 3354 as passed by the House did not include this provision.

[106] This section authored by Mark P. Sullivan. For additional information, see CRS Report R44822, *Cuba: U.S. Policy in the 115th Congress*, by Mark P. Sullivan.

[107] 31 C.F.R. Part 515.

[108] P.L. 115-31. The Obama Administration's statement of policy on that bill strongly opposed the provision, maintaining that it "could severely chill authorized U.S.-Cuba commerce designed to support the Cuban people." See: Obama White House Archives, Office of Management and Budget, "Statement of Administration Policy, H.R. 5485 – Financial Services and General Government Appropriations Act, 2017," June 21, 2016, at https://obamawhitehouse.archives.gov/sites/default/files/omb/legislative/sap/114/saphr5485r_20160621.pdf.

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