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Financial Services and General Government (FSGG) FY2016 Appropriations: Independent Agencies and General Provisions

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Summary

The Financial Services and General Government (FSGG) appropriations bill funds more than two dozen independent agencies performing a wide range of functions, such as managing federal real property, regulating financial institutions, and delivering mail. These agencies include

- Commodity Futures Trading Commission (CFTC),
- 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),
- Merit Systems Protection Board (MSPB),
- National Archives and Records Administration (NARA),
- Office of Personnel Management (OPM),
- Privacy and Civil Liberties Oversight Board (PCLOB),
- Securities and Exchange Commission (SEC),
- Small Business Administration (SBA), and
- United States Postal Service (USPS).

On February 2, 2015, President Obama submitted his FY2016 budget request. The request included a total of $3.60 billion for independent agencies funded through the FSGG appropriations bill, including $322 million for the CFTC.

On July 9, 2015, the House Committee on Appropriations reported the Financial Services and General Government Appropriations Act, 2016 (H.R. 2995, H.Rept. 114-194). Total FY2016 independent agency funding in the reported bill was to be $1.19 billion, with another $245 million for the CFTC included in the Agriculture appropriations bill (H.R. 3049, H.Rept. 114-205), which was reported on July 14, 2015. The combined total for these agencies was to be $1.43 billion.

On July 30, 2015, the Senate Committee on Appropriations reported the Financial Services and General Government Act, 2016 (S. 1910, S.Rept. 114-97). S. 1910 would have appropriated $1.35 billion for independent agencies for FY2016.

The Consolidated Appropriations Act, 2016 (P.L. 114-113/H.R. 2029) was passed by the House and Senate and signed by the President on December 18, 2015. The FSGG appropriations bill was included as Division E, whereas the CFTC was funded with the Agriculture appropriations in Division A. The total provided for FSGG independent agencies for FY2016, including the CFTC, was $3.3 billion, about $0.3 billion below the President's request.

Although financial services are a major focus of the FSGG appropriations bills, these bills do not include funding for many financial regulatory agencies. Both H.R. 2995 and S. 1910 included language that would have altered the appropriations status of the Consumer Financial Protection Bureau (CFPB), changing its primary funding source to the FSGG bill instead of unappropriated funds from the Federal Reserve. P.L. 114-113 did not change the funding structure of the CFPB.

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Introduction

The Financial Services and General Government (FSGG) appropriations bill includes funding for more than two dozen independent agencies 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 the 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),[1] the District of Columbia (Title IV),[2] and it typically funds mandatory retirement accounts in Title VI, which also contains general provisions applying to the FSGG agencies. For general information on the FSGG bill, please see CRS Report R44133, *Financial Services and General Government (FSGG) FY2016 Appropriations: Overview*, by Baird Webel.

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 Commodities and Futures Trading Commission (CFTC) is funded through the Agriculture appropriations bill in the House and the FSGG bill in the Senate. Although financial services are a major focus of the bills, FSGG appropriations bills do not include many financial regulatory agencies, which are instead funded outside of the appropriations process.[3]

Administration and Congressional Action

On February 2, 2015, President Obama submitted his FY2016 budget request. The request included a total of $3.60 billion for independent agencies funded through the FSGG appropriations bill, including $322 million for the CFTC.[4]

On July 9, 2015, the House Committee on Appropriations reported a Financial Services and General Government Appropriations Act, 2016 (H.R. 2995, H.Rept. 114-194).[5] Total FY2016 independent agency funding in the reported bill was to be $1.19 billion, with another $245 million for the CFTC included in the Agriculture appropriations bill (H.R. 3049, H.Rept. 114-205), which was reported on July 14, 2015.[6] The combined total for the independent agencies was

[1] For more information, see CRS Report R44078, *Judiciary Appropriations FY2016*, by Matthew E. Glassman.

[2] For more information, see CRS Report R44030, *FY2016 Appropriations: District of Columbia*, by Eugene Boyd.

[3] For more information, see CRS Report R43391, *Independence of Federal Financial Regulators*, by Henry B. Hogue, Marc Labonte, and Baird Webel.

[4] The President's budget does provide totals broken down by congressional appropriations bills. The $46.8 billion total in **Table 2** is as calculated by the Senate Committee on Appropriations. The Commodities Futures Trading Commission (CFTC) is funded in the House through the Agriculture appropriations bill and in the Senate through the Financial Services and General Government (FSGG) bill.

[5] U.S. Congress, House Committee on Appropriations, *Financial Services And General Government Appropriations Bill, 2016*, report to accompany H.R. 2995, 114th Cong., 1st sess., July 9, 2015, H.Rept. 114-94, (Washington: GPO, 2015).

[6] U.S. Congress, House Committee on Appropriations, *Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, 2016*, report to accompany H.R. 3049, 114th Cong., 1st sess., July 14, 2015, H.Rept. 114-205 (Washington: GPO, 2015).

to be $1.43 billion, $2.17 billion less than the President's request. Most of this difference was due to the lower amounts allocated from the General Service Administration's (GSA) Federal Buildings Fund, which would have had a positive net revenue under the House bill (positive revenue is accounted for as negative spending in the summary tables).

On July 30, 2015, the Senate Committee on Appropriations reported the Financial Services and General Government Act, 2016 (S. 1910, S.Rept. 114-97).[7] S. 1910 would have appropriated $1.35 billion for the independent agencies for FY2016, $2.25 billion less than the President's request. As with the House bill, much of this difference was due to the lower amounts allocated for GSA. S. 1910 also included the text of S. 1484, a broad financial regulatory reform package that was previously reported by the Senate Banking Committee, but has not been considered by the full Senate.[8]

Neither FSGG appropriations bill was considered on the floor prior to the end of FY2015.

Continuing Resolutions[9]

On September 30, 2015, H.R. 719, a continuing resolution (CR) for FY2016, was signed into law by the President (P.L. 114-53). The CR generally provided budget authority for ongoing projects and activities at the rate they were funded during FY2015. Most projects and activities funded in P.L. 114-53 were subject to an across-the-board decrease of less than 1% (0.2108%). The FSGG section of the CR also included a small number of provisions that designate exceptions to the formula and purpose for which any referenced funding is extended (referred to as *anomalies*). The FSGG anomalies relating to the FSGG independent agencies included in P.L. 114-53 were as follows:

- **Section 125—Recovery Board**:[10] Section 125 provided that no funds be included in the CR for the Recovery Accountability and Transparency Board, which was established by the American Recovery and Reinvestment Act[11] (ARRA) to provide oversight and transparency in the expenditure of ARRA funds. The board was funded through the FSGG bill for the first time in FY2012. Before then, the board was funded by now-exhausted ARRA appropriations. The board received appropriations of $20 million for FY2014 and $18 million for FY2015 but was slated to sunset on September 30, 2015.
- **Section 126—Small Business Administration**:[12] This provision authorized the apportionment of appropriations provided by the CR up to the rate necessary to allow the Small Business Administration (SBA) to continue issuing general business loans under the 7(a) loan guaranty program if "increased demand for commitments" exceeded the program's fiscal year authorization ceiling, which was $23.5 billion. On July 23, 2015, for just the second time since the agency

[7] U.S. Congress, Senate Committee on Appropriations, *Financial Services And General Government Appropriations Bill, 2016*, report to accompany S. 1910, 114th Cong., 1st sess., July 30, 2015, S.Rept. 114-97 (Washington: GPO, 2015).

[8] For more information see, CRS Insight IN10278, *Financial Regulatory Improvement Act Included in Senate Appropriations Bill*, by Sean M. Hoskins, Marc Labonte, and Baird Webel.

[9] See CRS Report R44214, *Overview of the FY2016 Continuing Resolution (H.R. 719)*, by Jessica Tollestrup.

[10] This section authored by Garrett Hatch, specialist in American National Government.

[11] P.L. 111-5.

[12] This section was authored by Robert Jay Dilger, senior specialist in American National Government, and Sean Lowry, analyst in Public Finance.

began operations in 1953, the SBA suspended the consideration of 7(a) loan guaranty program applications because the demand for 7(a) loans was projected to exceed the program's then-$18.75 billion FY2015 authorization ceiling. The SBA resumed issuing 7(a) loans on July 28, 2015, following enactment of the Veterans Entrepreneurship Act of 2015,[13] which increased the 7(a) loan guaranty program's FY2015 authorization ceiling to $23.5 billion. Previous CRs had increased the 7(a) loan program's authorization ceiling to a specified amount to reduce the likelihood that the demand for commitments would exceed the ceiling. For example, the Continuing Appropriations Resolution, 2015 (P.L. 113-164) increased the ceiling from $17.5 billion to $18.5 billion, and the Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235) increased the ceiling to $18.75 billion. This appears to be the first time that a CR anomaly did not specify a ceiling amount.[14]

To avoid a lapse in annual appropriations prior to the expiration of continuing appropriations, two more CRs were enacted. P.L. 114-96 continued funding through December 16, 2015, and P.L. 114-100 continued funding through December 22, 2015, under the same conditions established in the first CR.

Consolidated Appropriations Act, 2016

The Consolidated Appropriations Act, 2016 (P.L. 114-113, H.R. 2029) was passed by the House and Senate and signed by the President on December 18, 2015.[15] The FSGG appropriations were included as Division E, whereas the CFTC was funded by the Agriculture appropriations in Division A. The total provided for independent agencies for FY2016, including the CFTC, was $3.3 billion, about $0.3 billion below the President's request. Division O of P.L. 114-113 also included some provisions relating to financial regulators that had appeared in the Senate FSGG bill.

Table 1 reflects the status of FSGG appropriations measures at key points in the appropriations process. **Table 2** lists the broad amounts in the FSGG bill enacted for FY2015, the President's FY2016 request, and the FY2016 amounts from H.R. 2995 as reported by the House Committee on Appropriations and S. 1910 as reported by the Senate Committee on Appropriations. **Table 3** lists for each individual independent agency the enacted amounts for FY2015, the President's FY2016 request, and the amounts contained in H.R. 2995 as reported S. 1910 as reported, and P.L. 114-113 as enacted.

[13] P.L. 114-38.

[14] For additional information and analysis, see CRS Report R41146, *Small Business Administration 7(a) Loan Guaranty Program*, by Robert Jay Dilger.

[15] An "Explanatory Statement" for the bill was submitted by House Appropriations Chairman Hal Rogers and printed as" Explanatory Statement Regarding House Amendment No. 1 to the Senate Amendment on H.R. 2029 Consolidated Appropriations Act, 2016," *Congressional Record*, vol. 161, no. 184, Book II, December 17, 2015. It included summary tables and final committee recommendations. Any recommendations in the House and Senate Appropriations' Committee reports are to be considered in force unless specifically contradicted in the Explanatory Statement.

Table 1. Status of FY2016 Financial Services and General Government Appropriations

Subcommittee Markup							Final Adoption		
House	Senate	House Report	House Passage	Senate Report	Senate Passage	Conference Report	House	Senate	Public Law
6/11/15	7/21/15	H.Rept. 114-194 7/9/15	None	S.Rept. 114-97 7/30/15	None	None	H.R. 2029 12/18/15	H.R. 2029 12/18/15	P.L. 114-113 12/18/15

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

Table 2. Financial Services and General Government Appropriations, FY2015-FY2016

(in millions of dollars)

Agency	FY2015 Enacted	FY2016 Request	FY2016 House Committee	FY2016 Senate Committee	FY2016 Enacted
Department of the Treasury (Title I)	$11,522	$13,456	$10,758	$11,139	$11,942
Executive Office of the President (Title II)	689	630	676	677	692
The Judiciary (Title III)	7,117	7,387	7,335	7,285	7,203
District of Columbia (Title IV)	680	760	678	689	730
Independent Agencies (Title V)	2,204	3,597	1,431	1,351	3,304
Mandatory Retirement Accounts (Title VI)	20,980	20,961	20,961	20,961	20,961
Total	**$43,191**	**$46,789**	**$41,842**	**$42,102**	**$44,830**

Sources: H.R. 2995, H.Rept. 114-194, S. 1910, S.Rept. 114-97, P.L. 114-113 and 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 include rescissions and offsetting collections. The mandatory spending for the President's salary is contained in Title VI whereas the rest of presidential spending is in Title II. The mandatory retirement accounts include funding for judiciary retirement accounts. Totals may not sum due to rounding. Dollar amounts are not adjusted for inflation.

Table 3. Independent Agencies Appropriations, FY2015-FY2016

(in millions of dollars)

Agency	FY2015 Enacted	FY2016 Request	FY2016 House Committee	FY2016 Senate Committee	FY2016 Enacted
Administrative Conference of the United States	$3	$3	$3	$3	$3
Commodity Futures Trading Commission[a]	250	322	245	250	250
Consumer Product Safety Commission	123	129	122	123	125
Election Assistance Commission	10	10	5	10	10
Federal Communications Commission[b]	(340)	(388)	(315)	(364)	(384)
Federal Deposit Insurance Corporation: Office of Inspector General[c]	(35)	(35)	(35)	(35)	(35)
Federal Election Commission	68	76	76	73	76
Federal Labor Relations Authority	26	27	27	26	26
Federal Trade Commission	179	171	165	162	169
General Services Administration[d]	-439	831	-1,122	-1,249	642
Harry S. Truman Scholarship Foundation	1	—	—	1	1
Merit Systems Protection Board	45	47	47	45	47
Morris K. Udall Foundation	5	5	—	5	5
National Archives and Records Administration[e]	362	368	364	367	375
National Credit Union Administration	2	2	2	2	2
Office of Government Ethics	15	16	16	15	16
Office of Personnel Management (discretionary)	240	272	272	264	272
Office of Special Counsel	23	24	24	24	24
Postal Regulatory Commission	15	16	15	15	15
Privacy and Civil Liberties Oversight Board	8	23	20	23	21
Recovery Accountability and Transparency Board	18	—	—	—	—
Securities and Exchange Commission[b] - SEC Reserve Fund Recission	(1,525)	(1,722)	(1,574) -74	(1,525) -25	(1,605) -25
Selective Service System	23	23	23	23	23
Small Business Administration	888	860	853	849	871
United States Postal Service	314	318	299	293	304
United States Tax Court	51	54	51	51	51
Total: Independent Agencies (discretionary)	**$2,204**	**$3,597**	**$1,431**	**$1,351**	**$3,304**

Sources: H.R. 2995, H.Rept. 114-194, S. 1910, S.Rept. 114-97, P.L. 114-113 and Explanatory Statement.

Notes: All figures are rounded. Columns may not sum due to rounding.

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 made available by Congress, but those amounts are not included in the table 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 multi-billion 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. The FY2016 enacted amount also contains $7 million for congressional holdings in Section 635.

Bureau of Consumer Financial Protection

The Dodd-Frank Wall Street Reform and Consumer Protection Act[16] (Dodd-Frank) created a Bureau of Consumer Financial Protection (popularly known as the Consumer Financial Protection Bureau, or CFPB) as an independent agency. It receives funding from the Federal Reserve following a formula set in statute. This funding is not subject to review by the appropriations committees, although the bureau may request additional funding, which would require enactment of an appropriations measure. The President's budget request contained neither changes to the underlying CFPB law nor appropriated funds for the CFPB. In contrast, both H.R. 2995 and S. 1910 as reported include legislative language addressing the status and funding of the CFBP. Both bills would have prohibited any transfer of funds from the Federal Reserve to the CFPB as of October 1, 2016, instead authorizing regular appropriations for the bureau. The bills would also have required regular notification and reports by the CFPB to the House and Senate Appropriations Committees as well as the relevant authorizing committees through FY2016. The Senate bill would also have changed the leadership of the CFPB from a single director to a five-person commission. P.L. 114-113 did not contain provisions changing the funding or the leadership structure of the CFPB.

For more information on the CFPB, see CRS In Focus IF10031, *Introduction to Financial Services: The Consumer Financial Protection Bureau (CFPB)*, by David H. Carpenter and Sean M. Hoskins and CRS Report R42572, *The Consumer Financial Protection Bureau (CFPB): A Legal Analysis*, by David H. Carpenter.

Commodity Futures Trading Commission[17]

The CFTC is the independent regulatory agency charged with oversight of derivatives markets. The CFTC's functions include oversight of trading on futures exchanges, oversight of swaps markets; registration and supervision of futures industry personnel, self-regulatory organizations,

[16] P.L. 111-203.

[17] This section authored by Rena Miller (7-0826).

and major participants in the swaps markets; prevention of fraud and price manipulation; and investor protection. The Dodd-Frank 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.[18] Because swaps markets, by most estimates, are much larger in size than futures markets, one budgetary question raised in congressional testimony is whether the CFTC's resources are sufficient to meet the agency's newly added responsibilities.[19]

For FY2016, the President's budget request was $322 million, an increase of $72 million above the FY2015 enacted level. The request noted that "the funding level has not enabled the Commission to keep pace with the increased technological complexity and globalization of the markets overseen by the Commission" since its jurisdiction was expanded to include swaps in 2010.[20] The House Agriculture appropriations bill (H.R. 3049) would have appropriated $245 million, and the Senate FSGG bill (S. 1910) would have appropriated $250 million. P.L. 114-113 appropriated $250 million.

For more information on the CFTC, see CRS Report R44231, *Commodity Futures Trading Commission: Proposed Reauthorization in the 114th Congress*, by Rena S. Miller.

Consumer Product Safety Commission[21]

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 voluntary safety standards 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 product regulations.

In FY2015, the CPSC received $123 million in appropriated funds, or $5 million more than the amount enacted for FY2014. The agency's funding has increased substantially since FY2007, when it totaled about $62 million. From FY2008 through FY2010, Congress approved sizeable increases in funding, largely to support the implementation of the major reforms initiated by the Consumer Product Safety Improvement Act of 2008 (CPSIA).[22]

[18] Security-based swaps, a subset of the swaps market, are swaps related to securities, such as stocks and bonds, which are overseen by the Securities and Exchange Commission (SEC).

[19] See, e.g., "Testimony of Chairman Timothy G. Massad before the U.S. Senate Committee on Agriculture, Nutrition & Forestry, Washington, DC," May 14, 2015: "The CFTC does not have the resources to fulfill our new responsibilities as well as all the responsibilities it had—and still has—prior to the passage of Dodd Frank in a way that most Americans would expect. Our staff, for example, is no larger than it was when Dodd-Frank was enacted in 2010." http://www.cftc.gov/PressRoom/SpeechesTestimony/opamassad-22.

[20] Commodity Futures Trading Commission, *President's Budget Fiscal Year 2016, Prepared for the Committee on Appropriations*, February, 2015, p. 1, http://www.cftc.gov/ucm/groups/public/@newsroom/documents/file/cftcbudget2016.pdf.

[21] This section authored by Gary Guenther.

[22] P.L. 110-314.

The President's Budget Request for FY2016

For FY2016, the President requested $129 million in appropriations for the CPSC, or $6 million more than the amount enacted for FY2015.[23] The added funds were to be used to bolster the security of the commission's information technology systems and its National Product Testing and Evaluation Center ($1 million) and to establish a research center for testing the safety of consumer products containing nanomaterials ($5 million).

In addition, the budget request would have expanded an import surveillance pilot program, begun in 2008 and operated jointly with U.S. Customs and Border Protection, into a full-scale national program. The aim of the program is to employ "robust" risk assessment methodologies to identify imported products that are most likely to violate U.S. consumer product safety laws and regulations. The budget proposal also asked Congress to authorize an import surveillance user fee that would be collected beginning in FY2017, assuming all the rules needed to implement it were established by then. When fully implemented, the fee would cover the entire cost of the import surveillance program.

Of the requested appropriation for FY2016, $36.1 million would have gone to hazard identification and reduction; $24.3 million to compliance and field operations; $7.3 million to import surveillance; $21 million to information technology; and $22.7 million to agency management, rent, and security.

House Measure (H.R. 2995)

H.R. 2995 as reported would have appropriated $122 million for the CPSC in FY2016, or $1 million less than the amount enacted for FY2015 and $7 million less than the budget request.[24]

In its report on the bill, the committee expressed disappointment with the "limited scope" of a report the CPSC submitted in 2015 on ways to reduce the testing burden for third parties without compromising their compliance with consumer protection laws and regulations.[25] Although the committee noted that the report identified a "significant number" of ways to lower that burden, no "meaningful" relief had been provided. H.R. 2995 would have set aside $1 million to enable the commission to take "actionable steps to provide demonstrable relief from the burdens of third-party testing."

The committee also expressed support for the existing regulations for both the voluntary recall of consumer products regulated by the CPSC, and the public disclosure of information about incidents relating to the safety of such products. But it raised some concerns about recent proposals by the commission to modify both procedures in ways that would affect the legal responsibilities of companies selling products that may be deemed defective. On November 22, 2013, the commission proposed making the "corrective action plans" of companies undertaking a voluntary recall of products legally binding on the companies,[26] under Section 15 of the Consumer Product Safety Act.[27] And on February 12, 2014, the commission voted to revise the rules governing the public disclosure of information about products, under Section 6(b) of the act.

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[23] U.S. Consumer Product Safety Commission, *Fiscal Year 2016 Performance Budget Request*, February 2, 2015, p.3.

[24] H.Rept. 114-194, p. 51.

[25] Ibid., p. 51.

[26] Consumer Product Safety Commission, *Voluntary Remedial Actions and Guidelines for Voluntary Recall Notices, Notice of Proposed Rulemaking*, November 22, 2013, http://www.cpsc.gov/en/Regulations-Laws—Standards/Federal-Register-Notices/2014/Voluntary-Remedial-Actions-and-Guidelines-for-Voluntary-Recall-Notices/.

[27] P.L. 92-573

H.R. 2995 would have prohibited the commission from using any appropriated funds in FY2016 to "finalize, implement, or enforce" either proposed rule change.

Senate Measure (S. 1910)

S. 1910 as reported would have provided $123 million in appropriations for the CPSC in FY2016, or $6 million less than the budget request but the same as the amount enacted for FY2015.[28]

In its report on the measure, the committee expressed concern about the accounting practices employed at the commission, citing three reported CPSC violations of the Anti-Deficiency Act[29] since FY2014. The act, which originated in 1870, is intended to prevent federal employees from making or authorizing expenditures or obligations in excess of the amount appropriated or the amount in any fund designated for a specific purpose, unless allowed by law.

On the matter of safety standards for recreational off-road vehicles, the committee directed the National Academy of Sciences, in consultation with the Defense Department and National Highway Traffic Safety Administration, to "examine" any mandatory design standards developed by the commission before they are released as a proposed rule.

In addition, the committee encouraged the commission to use its authority under the consumer product safety rule[30] to reduce or limit the use of fire retardants in upholstered furniture.

It also directed the commission to submit a report to the committee no later than 180 days after the bill's enactment on existing voluntary safety standards and product labeling requirements for the protective headgear and helmets used in youth sports such as football.

Consolidated Appropriations Act, 2016 (P.L. 114-113)

P.L. 114-113 provided $125 million in appropriations for the CPSC in FY2016. Of that amount, $1 million was reserved for a program to reduce the test burden on third parties.

In addition, the act prohibited the commission from using any appropriated funds to adopt or implement a proposed rule on design requirements for recreational off-road vehicles until the National Academy of Sciences completed its study of the matter.

Election Assistance Commission[31]

The Election Assistance Commission (EAC) was established under the Help America Vote Act of 2002 (HAVA).[32] The commission administers federal funds to the states to meet HAVA requirements and for election reform programs; accredits testing and certification of voting machines; distributes studies of election issues; promulgates voluntary guidelines for voting systems standards; and issues voluntary guidance 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),[33] including NVRA rule-making

[28] S.Rept. 114-97, p. 77.

[29] P.L. 97-258, as amended.

[30] 15 U.S.C. §2058.

[31] For further information on the Election Assistance Commission (EAC), contact Royce Crocker.

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

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

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 FY2016 included $9.6 million for the EAC, of which $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.

The House Committee on Appropriations recommended eliminating the EAC and transferring its functions to the FEC. The committee report noted that one of four commissioner seats remains vacant, all but $5 million of the $3 billion appropriated for HAVA grants since 2003 has been distributed, and the Administration has not requested additional funds. The report also noted that the President created an ad hoc commission to review concerns about long voter lines, military and overseas voting in the 2012 election, and to recommend best practices; rather than directing the EAC to do so.[34] The committee expressed support for legislation to eliminate the EAC that was reported by the House Administration Committee in the 114th Congress.

The Senate Committee on Appropriations bill would have provided $9.6 million for the EAC, with $1.5 million of that amount to NIST for election reform activities.

P.L. 114-113 appropriated $10 million for the EAC.

Federal Communications Commission[35]

The Federal Communications Commission (FCC) is an independent federal agency established by the Communications Act of 1934 and is charged with regulating interstate and international communications by radio, television, wire, satellite, and cable. The FCC's five commissioners are appointed by the President, subject to Senate confirmation.

Since 2009, the FCC's entire budget has been 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.[36] For FY2016, the FCC requested a budget of $388 million, all to be derived from regulatory fees.

H.R. 2995 as reported would have appropriated $314.8 million for FY2016, all to be derived from regulatory fees. The bill also contained provisions that would prohibit the FCC from implementing, administering, or enforcing any rule unless the FCC published the text of the rule at least 21 days before the vote on the rule occurred; regulating rates for either wireline or wireless Internet providers; and implementing the net neutrality order until certain court challenges are decided. The bill also has provisions related to spectrum allocation and auctions, field office closures, video relay service, the Do Not Call program, media ownership, broadcast ownership reporting, broadband access, the Universal Service Fund, and the Connect America Fund.

[34] The Presidential Commission on Election Administration was established on March 28, 2013, and issued its report and recommendations to the President on January 22, 2014, https://www.supportthevoter.gov/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf.

[35] This section authored by Patricia Moloney Figliola.

[36] Most years, appropriations language prohibits the use by the commission 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.

S. 1910 as reported would have appropriated $364.2 million for FY2016, all to be derived from regulatory fees. Of that amount, the committee recommended that up to $117 million be retained from spectrum auction activities to fund auction administrative expenses and $44.2 million to "relocate operations to a new facility with substantially reduced square footage and lower rental expenses or to significantly reduce the agency's leased space at its current location and restack employees within the smaller footprint." The bill included language to extend the FCC's exemption from the Anti-deficiency Act until December 31, 2017, and prohibit the FCC from enacting certain recommendations from the Universal Service Joint Board.

The Senate committee also included language related to "standalone broadband," rural wireless broadband, the creation of an earthquake alert system, call completion in rural areas, incentive spectrum auctions, broadband connectivity on tribal lands, commission transparency, the consumer complaints database, the electronic comment filing system, information technology reform at the commission, improving the accuracy of the national broadband map, universal service reform, and coordination of rural communications services.

P.L. 114-113 appropriated $384.0 million, all to be derived from regulatory fees. The law also extended an exemption for the Universal Service Fund (Section 501) and prohibited the FCC from changing rules governing the Universal Service Fund regarding single connection or primary line restrictions (Section 502).

Federal Deposit Insurance Corporation: Office of the Inspector General[37]

The Federal Deposit Insurance Corporation (FDIC) administers deposit insurance for banks protecting depositors from losses that would occur in the event that a financial institution becomes insolvent. In general is funded through premiums paid for deposit insurance outside of the appropriations process. The FDIC's Office of the Inspector General (OIG) is also funded from deposit insurance funds, but the amount is directly appropriated (through a transfer) to ensure the independence of the OIG. The House and Senate committee-reported bills would each appropriate $34.6 million for the FDIC OIG, the same amount as requested by the President. P.L. 114-113 appropriated $34.6 million for the FDIC OIG.

For more information on the FDIC, see CRS In Focus IF10055, *Bank Failures and the FDIC*, by Raj Gnanarajah and CRS Report R41718, *Federal Deposit Insurance for Banks and Credit Unions*, by Darryl E. Getter.

Federal Election Commission[38]

The FEC is an independent agency that administers, and enforces civil compliance with, the Federal Election Campaign Act (FECA)[39] and campaign finance regulations. The agency does so through educational outreach, rulemaking, and litigation, and by issuing advisory opinions.[40] The

[37] This section authored by Raj Gnanarajah (7-2175).

[38] This section authored by R. Sam Garrett (7-6443).

[39] P.L. 92-225; 86 Stat. 3.

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

FEC also administers the presidential public financing system.[41] In recent years, FEC appropriations have generally been noncontroversial and subject to limited debate in committee or on the House and Senate floors.[42]

For FY2016, H.R. 2995 as reported would have appropriated $76.1 million for the FEC, the same amount that the agency requested and $8.6 million more than the $67.5 million appropriated in FY2015.[43] S. 1910 as reported included $72.5 million for the agency, $3.6 million less than the agency requested, but $5 million more than the $67.5 million appropriated in FY2015. The committee reports and legislation contain little additional detail, but the FEC's expiring lease explains at least some of the additional funding recommended for FY2016. The legislation reported by the House and Senate Appropriations Committees both note that $5 million of the appropriated funds is designated "for lease expiration and replacement lease expenses."[44] As the commission's budget justification explains, the agency's current lease for space at 999 E Street, NW, will expire on September 30, 2017.[45] As in previous years, more than 90% of the FEC budget is expected to be accounted for by three major expense areas: (1) salaries and benefits, (2) rent, and (3) information technology.[46] All three have been consistently prominent in recent years and are again expected to be a major part of the agency's budget in 2016 and beyond. P.L. 114-113 appropriated $76.1 million for the FEC.

In addition to the FEC sections of both the House and Senate appropriations bills, other sections of the FY2016 FSGG legislation also contain provisions that are relevant for campaign finance. Provisions in Section 625 of the House-reported version would prohibit the SEC from issuing rules "regarding disclosure of political contributions." Section 735 of the House bill would prohibit reporting certain political contributions or expenditures as a condition of the government-contracting process. In the Senate bill, Section 735 would prohibit reporting certain political contributions or expenditures as a condition of the government-contracting process; Section 630 would amend FECA to permit parties to make unlimited coordinated expenditures on behalf of their candidates if the candidate did not control or direct such spending; and Section 631 would require electronic filing of all campaign finance reports and would move place of filing for Senate reports from the Secretary of the Senate to the FEC.

P.L. 114-113 maintained the prohibitions on additional contractor and SEC disclosures, but excluded the electronic filing and coordinated expenditure provisions.

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[41] 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 additional discussion, see CRS Report RL34534, *Public Financing of Presidential Campaigns: Overview and Analysis*, by R. Sam Garrett.

[42] 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.

[43] H.Rept. 114-194, p. 57. The Federal Trade Commission (FEC) submits its budget request directly to Congress and, simultaneously, to the Office of Management and Budget (OMB).

[44] See Title V in H.R. 2995 and S. 1910 .

[45] Federal Election Commission, *Fiscal Year 2016 Congressional Budget Justification*, Washington, DC, February 2, 2015, p. 13, http://www.fec.gov/pages/budget/fy2016/fy_2016_congressional_budget.pdf. As the budget justification notes, in consultation with the General Services Administration (GSA), the FEC expects that new rent expenditures will require additional funds in FY2017.

[46] FEC, *Fiscal Year 2016 Congressional Budget Justification*, Washington, DC, February 2, 2015, p. 6, http://www.fec.gov/pages/budget/fy2016/fy_2016_congressional_budget.pdf.

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[47]

The Federal Trade Commission's (FTC) mission is twofold: (1) to protect consumers from deceptive or illegal business practices and (2) to maintain or enhance competition in a broad range of industries. It does so by enforcing laws prohibiting anticompetitive, deceptive, or unfair business practices; issuing new and revised regulations; and educating consumers and 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 Antitrust Improvements Act of 1976,[48] and (3) Do-Not-Call Registry fees.

The President's Budget Request for FY2016

For FY2016, the President requested $309.2 million in appropriations for the FTC, or $16.2 million more than the amount enacted for FY2015. Of the requested funding, no more than $300,000 would have been available to hire third parties for debt collection. Assuming the commission would have received an estimated $103.5 million in Hart-Scott-Rodino pre-merger filing fees and $14 million in Do-Not-Call fees, the FTC's net appropriation in FY2016 would have totaled $191.7 million.[49] Of the $16.2 million in added funding for FY2016, $5.9 million would have gone to maintaining FY2015 operating levels, $2.3 million to hiring 15 new full-time-equivalent employees, and $8.0 million paying for increased business systems operating expenses and several projects to modernize the FTC's information technology infrastructure.

In keeping with the FTC's mission, its budget request is divided into resources for protecting consumers and resources for promoting business competition. Under the FY2016 budget request, $175.0 million would serve the former purpose, and the remaining $134.2 million would support the latter purpose.

House Measure (H.R. 2995)

H.R. 2995 as reported would have provided the FTC with total funding in FY2016 of $302.5 million, or $9.5 million above the amount enacted for FY2015 but $6.7 million below the budget request. According to an estimate by the Congressional Budget Office, this amount would be offset by as much as $124 million in Hart-Scott-Rodino pre-merger filing fees and $14 million in Do-Not-Call fees, leaving the FTC with a net appropriation of $164.5 million in FY2016.[50]

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[47] This section authored by Gary Guenther.

[48] P.L. 94-435.

[49] Federal Trade Commission, *Fiscal Year 2016 Congressional Budget Justification* (Washington, DC: February 2, 2015), p. 2, https://www.ftc.gov/system/files/documents/reports/fy-2016-congressional-budget-justification/2016-cbj.pdf. Using CBO estimates, the House and Senate committee reports include a figure of $171.2 million for the net appropriation.

[50] H.Rept. 114-194, p. 58.

The committee raised several concerns in its report on the bill. First, it noted that certain conditions in the domestic market for mobile consumer hotel booking "create incentives" for affiliate distribution networks to engage in deceptive marketing practices. To mitigate the risks for consumers, the committee urged the FTC to "apply appropriate remedies."

Second, the committee, following up on the main findings of a 2011 survey of consumers conducted by the FTC, urged the FTC to adopt a "comprehensive strategy" for reducing consumer fraud in communities dominated by Hispanics and African Americans. The survey found that these groups were significantly more likely to be the victims of 15 categories of consumer fraud than non-Hispanic whites.[51]

Finally, the committee stated that it would continue to monitor the activities of the FTC and the CFPB to ensure that their enforcement and regulatory activities do not overlap in ways that "place unnecessary burdens on businesses, the economy, and the American taxpayer" and waste taxpayer dollars.

Senate Measure (S. 1910)

S. 1910 as reported would have provided $300 million in funding for the FTC in FY2016, or $7 million more than the amount enacted for FY2015 but $9.2 million less than the budget request.[52] With the CBO-estimated collection of $124 million in Hart-Scott-Rodino premerger filing fees and $14 million in Do-Not-Call fees, the net appropriation for the commission would total $162 million.

In its report on the bill, the committee stated that the recommended funding increase was intended to support initiatives to protect the security of consumer financial transactions and mitigate cybersecurity risks.

On the matter of sports-related concussions, the committee encouraged the FTC to continue its efforts to alert consumers to "unfair or deceptive" marketing practices related to the prevention of concussions in youth sports.

Consolidated Appropriations Act, 2016 (P.L. 114-113)

P.L. 114-113 provided $307 million in appropriations for the FTC in FY2016. After allowing for $124 million in pre-merger filing fees and $14 million in Do-Not-Call fees, the agency's net appropriation totaled $169 million.

General Services Administration[53]

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.

[51] According to the survey results, 9.0% of whites were victims of consumer fraud in 2011, compared with 17.3% of African Americans and 13.4% of Hispanics. See FTC, Bureau of Economics, *Consumer Fraud in the United States, 2011: The Third Survey*, staff report (Washington, DC: April 2013), available at ttps://www.ftc.gov/sites/default/files/documents/reports/consumer-fraud-united-states-2011-third-ftc-survey/130419fraudsurvey_0.pdf.

[52] S.Rept. 114-97, p. 84.

[53] This section authored by Garrett Hatch.

GSA's real property activities are funded through the Federal Buildings Fund (FBF). The FBF is a revolving fund, into which rental payments from federal agencies that lease GSA space are deposited. 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 more funds from the FBF than 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. The total amount of funding for GSA is calculated by adding the amount of FBF funds made available to the amount of direct appropriations provided. **Table 4** lists the enacted amounts for FY2015, the President's FY2016 request, the amounts recommended by the House and Senate Appropriations Committees for FY2016, and the amounts enacted in FY2016.

Table 4. General Services Administration (GSA) Appropriations, FY2015-FY2016

(in millions of dollars)

Account	FY2015 Enacted	FY2015 Request	FY2015 House Committee	FY2015 Senate Committee	FY2016 Enacted
Federal Buildings Fund	**-679**	**564**	**-1,373**	**-1,503**	388
Limitations on Availability of Revenue	9,238	10,372	8,435	8,304	10,196
New Construction	*510*	*1,258*	—	*182*	*1,608*
Repairs and Alterations	*818*	*1,247*	*645*	*357*	*735*
Rental of Space	*5,666*	*5,579*	*5,500*	*5,521*	*5,579*
Building Operations	*2,244*	*2,288*	*2,260*	*2,244*	*2,274*
Rental Income to Fund	-9,918	-9,808	-9,808	-9,808	-9,808
Operating Accounts	**240**	**266**	**251**	**254**	**254**
Government-wide Policy	58	62	58	58	58
Operating Expenses	61	62	59	59	59
Office of Inspector General	65	68	65	65	65
Presidential Transition	—	13	13	13	13
Federal Citizens Services	53	58	54	56	56
Former Presidents	3	3	2	3	3
Grand Total	**-439**	**831**	**-1,122**	**-1,249**	**642**

Sources: H.R. 2995, H.Rept. 114-194, S. 1910, S.Rept. 114-97, P.L. 114-113 and Explanatory Statement.

As shown in **Table 4**, the President proposed a limit of $10.4 billion from the FBF's available revenue for GSA's real property activities for FY2016, $1.1 billion more than was provided in

FY2015. The President also requested $266 million for GSA's operating accounts, an increase of $26 million above the FY2015 enacted level.

The House Appropriations Committee recommended $8.4 billion from the FBF be made available to GSA for FY2016, $1.9 billion less than the President's request and $803 million below the amount provided for FY2015. The House committee also recommended $251 million for GSA's operating accounts, $15 million less than the President requested and $11 million more than was provided for FY2015.

The Senate Appropriations Committee recommended $8.3 billion from the FBF be made available to GSA for FY2016, $2.1 billion less than the President's request and $934 million below the amount provided for FY2015. The Senate committee also recommended $254 million for GSA's operating accounts, $12 million less than the President requested and $14 million more than was provided for FY2015.

P.L. 114-113 appropriated $10.2 billion from the FBF and provided $254 million for GSA's operating accounts.

Electronic Government Fund (Now the Federal Citizen Services Fund)[54]

The Electronic Government Fund (E-Gov Fund),[55] created to support interagency e-government initiatives approved by the director of OMB and administered by GSA, was a stand-alone program until FY2015 when it was merged with the Federal Citizen Services Fund (FCSF), another GSA-administered fund.[56] In its FY2015 budget justification, GSA stated that, "[t]he mission and purposes of the two funds [the E-Gov Fund and the FCSF] are similar, creating opportunities for improved services, efficiency, and savings through the consolidation of authorization and appropriations."[57] The justification also noted that more robust Internet access has "created opportunities to merge the functions [of the two funds] ... while improving the ability of the Federal government to interact with citizens and businesses."

In FY2015, the first year that the E-Gov Fund was combined with the FCSF, the fund was appropriated $53.3 million. H.R. 2995 would have appropriated $54.0 million to the newly merged FCSF, $14.8 million of which would be required to be "available for electronic government projects." H.R. 2995 is $4.4 million less than the $58.4 requested by the President for

[54] This section authored by Wendy Ginsberg (7-3933).

[55] Pursuant to 44 U.S.C. §3604, the E-Gov Fund projects "may include efforts to make Federal Government information and services more readily available to members of the public (including individuals, businesses, grantees, and State and local governments); make it easier for the public to apply for benefits, receive services, pursue business opportunities, submit information, and otherwise conduct transactions with the Federal Government; and enable Federal agencies to take advantage of information technology in sharing information and conducting transactions with each other and with State and local governments." According to the President's FY2014 budget request, the E-Gov Fund "provides for inter-agency electronic government, or E-Gov, initiatives and projects, which use the Internet or other electronic methods to provide individuals, businesses, and other government agencies with simpler and more timely access to Federal information, benefits, services, and business opportunities." (OMB, *Appendix, Budget of the United States, FY2014*, p. 1137.)

[56] The FCSF was set up to support "interagency projects that enable the Federal Government to enhance its ability to conduct activities electronically, through the development and implementation of innovative uses of information technology." H.R. 2995, p. 78.

[57] U.S. General Services Administration, *FY2015 Congressional Justification*, p. FCSF-2, http://www.gsa.gov/portal/mediaId/187523/fileName/FY15_Budget_Request.action.

FY2016. S. 1910 would have appropriated $55.9 million to the fund, $2.5 million less than the President's request. P.L. 114-113 appropriated $56 million for the FCSF.

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 FY2015, the President's FY2016 request, the amounts from H.R. 2995, as reported, and S. 1910, as reported, and P.L. 114-113 as enacted for FY2016.

Table 5. Independent Agencies Related to Personnel Management Appropriations, FY2015-FY2016

(in millions of dollars)

Agency	FY2015 Enacted	FY2016 Request	FY2016 House Committee	FY2016 Senate Committee	FY2016 Enacted
Federal Labor Relations Authority (FLRA)	$26	$27	$27	$26	$26
Merit Systems Protection Board (MSPB, total)	45	47	47	45	47
Salaries and Expenses	*43*	*45*	*45*	*43*	*44*
Limitation on Administrative Expenses	*2*	*2*	*2*	*2*	*2*
Office of Personnel Management (OPM, total)	21,076	21,101	21,101	21,094	21,108
Salaries and Expenses	*96*	*121*	*121*	*119*	*121*
Limitation on Administrative Expenses	*118*	*125*	*125*	*118*	*125*
Office of Inspector General (OIG, salaries and expenses)	*4*	*4*	*4*	*4*	*4*
Office of Inspector General (limitation on administrative expenses)	*21*	*22*	*22*	*22*	*22*
Government Payments for Annuitants, Employee Health Benefits (mandatory, Title VI)	*11,806*	*11,908*	*11,908*	*11,908*	*11,806*
Government Payments for Annuitants,	*55*	*49*	*49*	*49*	*55*

Agency	FY2015 Enacted	FY2016 Request	FY2016 House Committee	FY2016 Senate Committee	FY2016 Enacted
Employee Life Insurance (mandatory, Title VI)					
Payment to Civil Service Retirement and Disability Fund (mandatory, Title VI)	*8,975*	*8,872*	*8,872*	*8,872*	*8,975*
Office of Special Counsel (OSC)	23	24	24	24	24

Sources: P.L. 113-235 and Explanatory Statement, H.R. 2995, H.Rept. 114-194, S. 1910, S.Rept. 114-97, P.L. 114-113 and Explanatory Statement, and FY2016 Congressional Justifications of the respective agencies.

Notes: All figures are rounded, and columns may not sum due to rounding. The amounts for Government Payments for Annuitants, Employee Health Benefits, and Payment to Civil Service Retirement and Disability Fund are in billions.

The payments for health benefits, life insurance, and civil service retirement and disability are mandatory appropriations. Appropriations bills have generally provided "such sums as may be necessary" for these accounts with FY2016 House and Senate measures containing this language. For FY2016 (as in FY2012, FY2013, FY2014, in the House bill and FY2015, 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 of H.R. 2995 [FY2016], S. 1910 [FY2016], and P.L. 114-113).

Federal Labor Relations Authority[58]

The Federal Labor Relations Authority (FLRA) is an independent federal agency that administers and enforces Title VII of the Civil Service Reform Act of 1978.[59] 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.[60] Agencies that are specifically excluded by law are the Federal Bureau of Investigation (FBI), Central Intelligence Agency (CIA), GAO, National Security Agency (NSA), Tennessee Valley Authority (TVA), FLRA, Federal Service Impasses Panel (FSIP), and the 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

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

[59] P.L. 95-454.

[60] 5 U.S.C. §7103.

FLRA's regional offices. The FSIP resolves labor negotiation impasses between federal agencies and labor organizations.

For FY2016, the President requested appropriations of $26.6 million for the FLRA. This amount would fund 140 FTEs, an increase of five FTEs above the FY2015 estimated level.[61]

The House-reported bill provided the same amount as the President's request. The Senate-reported bill provided appropriations of $25.5 million, slightly over $1million less than the amount requested by the President.

P.L. 114-113 provided funding of $26.2 million, $350,000 less than the President's request.

Merit Systems Protection Board[62]

The Merit Systems Protection Board (MSPB) is an independent, quasi-judicial agency established to protect the civil service merit system.[63] The MSPB adjudicates appeals primarily involving personnel actions, certain federal employee complaints, and retirement benefits issues.

The President's budget requested FY2016 appropriations of $47.4 million (including $45.1 million for salaries and expenses) for the MSPB. Under Section 1204(k) of Title 5 of the *United States Code*, the agency is authorized to submit an independent budget request. That submission requested appropriations of $51.6 million (including $49 million for salaries and expenses) and 255 FTEs, an increase of 29 FTEs above the FY2015 enacted level. The justification that accompanied the MSPB budget submission explained the need for the increased staffing:

> If reductions in budgetary resources resume, our ability to meet our performance goals and targets will be impacted, and the timely processing of appeals will likely be delayed. Additionally, the agency has recently experienced several retirements and can expect more, as approximately a quarter of our employees are eligible to retire within the next two years, including about a third of our AJ's [Administrative Judges].[64]

The House-reported bill provided the same amount as the President's request. The Senate reported bill provided appropriations of $45.1 million (including $42.7 million for salaries and expenses) for the MSPB, $2.3 million less than the President's request.

P.L. 114-113 provided appropriations of $46.8 million (including $44.5 million for salaries and expenses) for the MSPB, $580,000 less than the President's request.

Office of Personnel Management[65]

The Office of Personnel Management (OPM) is responsible for personnel management of the civil service of the federal government. The President's budget requested FY2016 appropriations of almost $121 million for OPM salaries and expenses. This amount included funding of $2.5 million to remain available until expended for federal investigations enhancements and $616,000 to strengthen the capacity and capabilities of the acquisition workforce, including recruitment, hiring, training, and retention of such workforce and IT in support of acquisition workforce

[61] U.S. Federal Labor Relations Authority, *Congressional Budget Justification Fiscal Year 2016* (Washington: February 2015), p. 28. The document stated that one full-time equivalent (FTE) would be assigned to the Authority and three FTEs would be assigned to the Office of the General Counsel (p. 29).

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

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

[64] U.S. Merit Systems Protection Board, *Congressional Budget Justification FY2016*, February 2015, pp. 4 and 9.

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

effectiveness and management. The budget also requested appropriations of almost $125 million for trust fund transfers, $4.4 million for OIG salaries and expenses, and $22.5 million for OIG trust fund transfers for FY2016.

OPM requested an FTE employment level of 5,519 for FY2016, an increase of 70 FTEs above the FY2015 enacted level. The justification that accompanied the OPM budget submission explained that the increased staffing would occur in the Office of the Chief Information Officer, the Office of the Chief Financial Officer, the Office of General Counsel, and Retirement Services, among other organizational components. According to the justification, the increases result from "right sizing FTE levels in [the agency's] ACA [Affordable Care Act] programs, MSAC [Merit System Accountability and Compliance] audit and compliance functions, and administrative operations."[66]

The agency's budget submission stated that the request "will permit OPM programs to prioritize their activities in support of the OPM strategic plan for FY 2014–2018[and] enable OPM to implement and sustain agency network upgrades and security software maintenance to ensure a stronger, more reliable and protected OPM network architecture, [including] critical support to defend the OPM IT network against cybersecurity incidents, and positions OPM to maintain the critical updates being deployed in 2014 and 2015."[67] In addition, the budget will allow the OIG to "continue to advance its prescription drug audit program, which includes audits of pharmacy benefit managers," that helps to control costs and improves benefits provided and to continue the Federal Employees' Health Benefits Program (FEHBP) claims data warehouse initiative that "streamlines and enhances the various administrative and analytical procedures involved in the oversight of the FEHBP." The OIG also "will audit and examine Multi-State Plan Program (MSPP) records and accounts, review MSPP business practices, including systems for detecting fraud, and report findings and recommendations to OPM."[68]

The House-reported bill provided appropriations of $120.6 million for OPM salaries and expenses, $124.6 million for trust fund transfers, $4.4 million for OIG salaries and expenses, and $22.5 million for OIG trust fund transfers. The OPM S&E amount was $82,000 less than the President's request. The other amounts were the same as that request. The report that accompanied the bill encouraged federal agencies to enlist Hispanic Serving Institutions and Historically Black Colleges and Universities in their recruitment efforts. It also included the House Committee's expectation that the agency will "make retirement processing a priority." The committee directed OPM to provide monthly reports to the House and Senate committees on "progress in addressing the backlog in claims" and "to prioritize moving to a fully automated electronic filing system."[69] Following OPM data breaches, the report stated the committee's expectation that it be updated on the agency's efforts and needed resources to secure its information technology networks.

The Senate-reported bill provided appropriations of $119.2 million for OPM salaries and expenses, $118.4 million for trust fund transfers, $4.4 million for OIG salaries and expenses, and $22.5 million for OIG trust fund transfers. The OPM S&E amount was $1.4 million less, the trust fund transfers amount was $6.1 million less, and the OIG S&E amount was $19,000 more than the President's request. The report that accompanied the bill stated that the committee

[66] U.S. Office of Personnel Management (OPM), *Congressional Budget Justification Performance Budget FY2016*, February 2015, pp. 9 and 15.

[67] OMB, *Appendix, Budget of the United States, FY2016*, p. 1181.

[68] OMB, *Appendix, Budget of the United States, FY2016*, p. 1183.

[69] H.Rept. 114-194, p. 73.

recommended $21 million in funding for IT security improvement as requested by the President, but directed OPM to "consult with the Office of Management and Budget, the U.S. Digital Service, the Department of Homeland Security, and other Federal partners that possess the financial management capabilities and critical cyber security expertise that is lacking within OPM in order to ensure these funds are spent wisely."[70]

The Senate report directed OPM to continue to keep the committee informed of progress in addressing the backlog in processing retirement claims and to provide updates and briefings on its efforts to modernize the retirement system and the strategic technology plan. In addition, the committee directed the agency to "submit a report on COLAs [cost-of-living allowances], locality based comparability payments, and the computation of Federal retirement benefits of employees stationed in the non-foreign areas,[71] including the exclusion of non-foreign area COLAs in employees basic pay and average salary used in the computation of Federal retirement benefits" within six months after enactment of the FSGG bill.[72] OPM is also "to provide an estimate of the total number of current Federal annuitants who (or whose spouse[s]) retired from the Federal civil service from 1994 to 2014 by each non-foreign area and by year of retirement."[73]

The report also directed OPM to implement internal controls to ensure that security clearance investigations by contractors are conducted properly.

The Senate Committee directed GAO to report to both the House and Senate Committees within six months after the FSGG Act's enactment on "the steps taken to prevent, mitigate, and respond to data breaches involving sensitive personnel records and information; OPM's cybersecurity policies and procedures in place, including policies and procedures relating to IT best practices such as data encryption, multifactor authentication, and continuous monitoring; OPM's oversight of contractors providing IT services; and OPM's compliance with government-wide initiatives to improve cybersecurity."[74] Any improvements that would assist OPM in addressing cybersecurity matters are to be included in the report. The Senate committee also encouraged OPM's Inspector General to continue to monitor the agency's improvements to technology infrastructure and oversee contracting and procurement practices. In addition, the OIG was encouraged to include in its Semiannual Report to Congress information on the same content requirements regarding cybersecurity as were requested in the GAO report.[75]

P.L. 114-113 provided appropriations of $120.7 million for OPM salaries and expenses, $124.6 million for trust fund transfers, $4.4 million for OIG salaries and expenses, and $22.5 million for OIG trust fund transfers. These amounts are the same as the President's request. Of the OPM salaries and expenses total, $2.5 million is to remain available until expended for Federal

[70] S.Rept. 114-97, p. 102.

[71] The non-foreign areas are Alaska, Hawaii, Guam and the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

[72] According to the Senate report, "Prior to 2010, Federal employees in non-foreign areas were not eligible to receive locality-based comparability payments, which constitute basic pay for computing retirement benefits. Rather, these employees received cost-of-living allowances [COLAs], which are not creditable for retirement purposes. This has resulted in differences in the total pay and retirement benefits of Federal employees in non-foreign areas in relation to pay and retirement benefits of employees in the contiguous states." Title XIX, Subtitle B, the Non-Foreign Area Retirement Equity Assurance Act of 2009, of P.L. 111-84, the National Defense Authorization Act for FY2010, enacted on October 28, 2009, provides locality-based comparability payments to federal employees in the non-foreign areas (123 Stat. 2190, at 2619-2627; 5 U.S.C. §5304 note).

[73] S.Rept. 114-97, pp. 102-103.

[74] S.Rept. 114-97, p. 102.

[75] S.Rept. 114-97, p. 104.

investigations enhancements and $616,000 is to strengthen the capacity and capabilities of the acquisition workforce, including recruitment, hiring, training, and retention and information technology (IT) in support of acquisition workforce effectiveness or for management solutions to improve acquisition management. The law also provided $21 million to improve IT security and infrastructure.

The explanatory statement that accompanied the law directed OPM to provide quarterly briefings to the House and Senate Committees on Appropriations outlining progress on the infrastructure improvement project to increase network security and migrate legacy systems. Before obligating the funds, OPM is to consult with the Office of Management and Budget, the U.S. Digital Service, and the Department of Homeland Security on the proposed use of funds and the modernization project.[76]

Section 619(a)(3), (4), and (5) of the House-reported and Senate-reported bills and P.L. 114-113 provided the mandatory appropriations for the health benefits, life insurance, and retirement accounts. According to the House and Senate Committees on Appropriations reports, "These are accounts where authorizing language requires the payment of funds." The reports stated that the budget request assumed the following estimated costs: $11.9 billion for the Government Payment for Annuitants, Employee Health Benefits; $49.0 million for the Government Payment for Annuitants, Employee Life Insurance; and $8.872 billion for Payment to the Civil Service Retirement and Disability Fund.[77] The explanatory statement that accompanied P.L. 114-113 stated that the following estimated costs were assumed: $11.8 billion for the Government Payment for Annuitants, Employee Health Benefits; $55.0 million for the Government Payment for Annuitants, Employee Life Insurance; and $8.975 billion for Payment to the Civil Service Retirement and Disability Fund.[78]

Section 612 of P.L. 114-113 provided that, for the purpose of resolving litigation and implementing any settlement agreements regarding the non-foreign area cost-of-living allowance program, OPM may accept and use funds made available to the agency pursuant to court approval.

Section 632 of the law required OPM to provide to each individual affected by the data breach[79] of personnel records and systems with complimentary identity protection coverage that—(1) is not less comprehensive than the complimentary identity protection coverage that the agency provided to affected individuals before this act's enactment; (2) is effective for at least 10 years; and (3) includes at least $5 million in identity theft insurance.

Office of Special Counsel[80]

The Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency whose mission is to safeguard the merit system by protecting federal employees and

[76] "Explanatory Statement," *Congressional Record*, vol. 161, no. 184, Book II, December 17, 2015, p. H10139.

[77] H.Rept. 114-194, p. 158; S.Rept. 114-97, p. 122.

[78] "Explanatory Statement," *Congressional Record*, vol. 161, no. 184, Book II, December 17, 2015, p. H10140.

[79] The law defined data breach as (1) the data breach of personnel records of current and former Federal employees, at a network maintained by the Department of the Interior, that was announced by OPM on June 4, 2015; or (2) the data breach of OPM systems containing information related to the background investigations of current, former, and prospective Federal employees, and of other individuals.

[80] This section authored by Barbara L. Schwemle (7-8655).

applicants from prohibited personnel practices, especially reprisal for whistleblowing.[81] The President's budget requested FY2016 appropriations of $24.1 million for the OSC. The agency's FTE employment level was estimated to be 146 for FY2016, an increase of 6 FTEs above the FY2015 estimated level.[82] The budget submission projected a significant increase in whistleblower disclosure, Hatch Act, and prohibited personnel practice cases. According to the agency, "OSC's caseload will continue to increase in light of the ongoing issues at the Department of Veterans Affairs (VA) and the increased media exposure VA whistleblowers and whistleblowers in general are receiving." OSC also expects Hatch Act complaints to increase in the 2016 presidential election 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 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."[83]

The House-reported bill provided the same amount as the President's request. The Senate-reported bill provided appropriations of $23.5 million, $619,000 less than the President's request. The report that accompanied the bill expressed the Senate Committee's belief that "OSC should apply its budget proportionally with the percentage of cases that it receives from the VA."[84]

P.L. 114-113 provided appropriations of $24.1 million, the same as the President's request and the House-reported bill.

National Archives and Records Administration[85]

The National Archives and Records Administration (NARA) is known as "the nation's record keeper." NARA assists federal agencies in the collection and retention of their records and holds and makes available to the public certain federal records of permanent interest. the President requested $389.1 million in FY2016 appropriations for the National Archives and Records Administration (NARA),[86] $12.4 million more than the President requested in FY2015 ($376.7 million) and $7.4 million more than the FY2015 appropriation ($381.7 million). For FY2016, H.R. 2995 would appropriate $385.7 million to NARA, $7.4 million less than the President's budget request and $4 million more than the FY2015 appropriation level. S. 1910 would appropriate $388.7 million, $400,000 less than the President's budget request and $7.0 million more than the FY2015 appropriation level.[87]

NARA's operating expenses account for the largest portion of the President's request ($365 million) and congressional appropriations (H.R. 2995, $369 million and S. 1910, $372 million). The President, the House, and the Senate seek to provide the NARA inspector general $4.2 million for FY2016 (which has been appropriated approximately $4 million annually since FY2012). For FY2016, the President requested and the House and Senate bills would have

[81] The Office of Special Counsel's (OSC's) authorization expired on September 30, 2007 (5 U.S.C. §5509).

[82] OSC, *Congressional Budget Justification and Performance Budget Goals Fiscal Year 2016*, February 2015, p. 15.

[83] OMB, *Appendix, Budget of the United States, FY2016*, p. 1309.

[84] S.Rept. 114-97, p. 105. The report stated that "Approximately 40 percent of all OSC cases in 2015 were from Department of Veterans Affairs," double the amount of such cases in 2009 through 2011.

[85] This section authored by Wendy Ginsberg.

[86] OMB, *Appendix, Budget of the United States, FY2016*, pp. 1287-1289.

[87] These amounts are greater than those in the summary tables of the House and Senate Committee reports due to the treatment of the repayment of principal on the construction of the Archives II facility.

appropriated $7.5 million ($100,000 less than FY2015's appropriated level) for repairs and restoration of NARA facilities as well as to provide for "adequate storage for holdings."[88] The President's request and the House and Senate bills would appropriate $5 million (equal to the FY2015 appropriation) for the National Historical Publications and Records Commission.

The Senate report to accompany S. 1910 included a variety of findings, concerns, and expectations for NARA. For example, in the report, Senate appropriators noted that "the security of NARA's collections and holdings has been identified as a material weakness by the Archivist and cited as a management challenge by the Inspector General."[89] As a result, appropriators stated they direct and expect "NARA to institute, maintain, and enforce effective inventory controls and adequate level of security" within their facilities.[90]

In addition, Senate appropriators urged NARA to "ensure effective and efficient preservation, appraisal, scheduling, and routine transfer of electronic records by Federal agencies." Moreover, Senate appropriators encouraged NARA "to digitize and post on-line archival records that are relocated as a result of a facility closure." The language requires NARA to report to Congress on its efforts to digitize physical collections that are moved from one state to another. The Senate report also directs NARA to report to Congress within 180 days of enactment of S. 1910 "on the volume and type of archival records the agency expects to receive over the next 15 years and the greatest challenges to acquiring or otherwise providing appropriate storage space for those records."[91]

In the report, Senate appropriators expressed concerns "about the ability of Federal agencies to effectively manage email and other electronic federal records" to ensure such information is "available when requested by Congress ... to fulfill its oversight responsibilities." The Senate report includes language stating that the appropriations committee "expects" the Archivist will "expediently amend existing guidance and introduce new rules as needed to ensure that all executive agencies comply" with existing federal records laws. The report language also directs NARA to "increase oversight" of "records management by establishing a formal program or reporting, physical inspections, and systems audits" of federal agencies—and to report to appropriate congressional committees "any instances of substantial non-compliance ... or significant risk to Federal records."[92]

P.L. 114-113 appropriated a total of $395.9 million for NARA, including $7 million that was dedicated to congressional collections and included in Section 635 rather than the regular NARA appropriations in Title V. Of this amount, $21.2 million is dedicated for a reduction of debt related to the construction of a archives facility and thus is counted as a subtraction in the tables accompanying the bill for a net total of $374.7 million.

National Credit Union Administration[93]

The National Credit Union Administration (NCUA) is an independent federal agency funded largely by the credit unions it charters, insures, and regulates. The NCUA manages the Community Development Revolving Loan Fund (CDRLF), which was established in 1979. The

[88] OMB, *Appendix, Budget of the United States, FY2016*, p. 1288.

[89] S.Rept. 114-97, p. 96.

[90] S.Rept. 114-97.

[91] S.Rept. 114-97, pp. 96-97.

[92] S.Rept. 114-97, p. 97.

[93] This section authored by Darryl Getter.

CDRLF assists officially designated *low-income* credit unions in providing basic financial services to low-income communities. These credit unions are offered low-interest loans and deposits, which are normally repaid in five years, although shorter repayment periods may be considered. Technical assistance grants are also available to low-income credit unions for improving operations as well as addressing safety and soundness issues. These grants are funded through earnings generated from the CDRLF and funds provided for specifically in appropriations acts. H.R. 2995 and S. 1910 would both appropriate $2 million for the CDRLF, an amount equal to the President's request. P.L. 114-113 appropriated $2 million for the CDRLF.

For more information on the 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.

Office of Government Ethics[94]

The Office of Government Ethics (OGE) is an independent federal agency, established by the Ethics in Government Act of 1978,[95] charged with promulgating rules and regulations pertaining to financial disclosure, conflict of interest, and ethics in the executive branch.

OGE is headed by a director who is appointed to a five-year term by the President with Senate confirmation. According to their 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."[96]

For FY2016, OGE requested $15.7 million, an increase of $322,000 over FY2015.[97] The House committee recommended the full OGE request ($15.7 million),[98] and the Senate committee recommended $15.4 million, $322,000 less than requested, or the same amount OGE was appropriated in FY2015.[99] P.L. 114-113 appropriated $15.7 million for the OGE.

Privacy and Civil Liberties Oversight Board[100]

Originally established in 2004 by the Intelligence Reform and Terrorism Prevention Act as an agency within the Executive Office of the President (EOP),[101] the Privacy and Civil Liberties Oversight Board (PCLOB) was reconstituted as an independent agency within the executive branch by the Implementing Recommendations of the 9/11 Commission Act of 2007.[102] The board assumed its new status on January 30, 2008; its FY2009 appropriation was its first funding as an independent agency. The five-member board is to (1) ensure that privacy and civil liberties

[94] This section authored by Jacob Straus.

[95] 5 U.S.C. Appendix §§401-408.

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

[97] OGE, *Fiscal Year 2016: Explanatory Notes, Annual Performance Plan, and Annual Performance Report*, February 2015, http://www.oge.gov/About/Legislative-Affairs-and-Budget/Budget-and-Appropriations/Congressional-Budget-Justification-and-Annual-Performance-Plan-for-Fiscal-Year-2016-and-Annual-Performance-Report-for-Fiscal-Year-2014.

[98] H.Rept. 114-194, p. 72.

[99] S.Rept. 114-97, p. 100.

[100] This section was written by Garrett Hatch.

[101] 118 Stat. 3638 at 3684.

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

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.

The PCLOB received $8 million for FY2015. The President requested $23 million for the PCLOB for FY2016, which would be $15 million more than the FY2015 enacted amount. H.R. 2995 as reported would appropriate $20 million for FY2016, $12 million above the FY2015 enacted amount and $3 million less than the President requested. S. 1910 as reported would appropriate $23 million for FY2016, $15 million more than the FY2015 enacted amount and is the same as the President requested. P.L. 114-113 appropriated $21.3 million for the PCLOB.

Recovery Accountability and Transparency Board[103]

The Recovery Accountability and Transparency Board (Recovery Board) was established by the American Recovery and Accountability Act of 2009[104] to provide oversight and transparency in the expenditure of Recovery Act funds. The Recovery Board was funded through the FSGG appropriations bill for the first time in FY2012. In previous fiscal years, the board was funded by a Recovery Act appropriation that is now exhausted. In FY2015, the Recovery Board received an appropriation of $18 million, but was set to sunset at the end of FY2015. The President requested no funding for FY2016, and neither H.R. 2995 as reported, S. 1910 as reported, nor P.L. 114-113 included funding for the Recovery Board.

Securities and Exchange Commission[105]

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 the sales of stock 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 the rates of its fees, making the agency's budget deficit-neutral.

The SEC's enacted appropriations for FY2014 was $1.35 billion and for FY2015 was $1.5 billion. For FY2016, the President requested that the agency be funded at $1.7 billion. S. 1910 as reported and H.R. 2995 as reported would both have provided $1.5 billion in funding, the same level as the FY2015 appropriations. The FY2015 appropriations included a $25 million rescission from the SEC reserve fund (discussed below), with the FY2016 House bill proposing a $74 million rescission and the Senate bill proposing a $25 million rescission. For FY2016, P.L. 114-113 appropriated $1.605 billion and rescinded $25 million from the reserve fund. P.L. 114-113

[103] This section authored by Garrett Hatch.

[104] P.L. 111-5.

[105] This section authored by Gary Shorter.

also prohibited the SEC from using any appropriated "to finalize, issue, or implement any rule, regulation, or order regarding the disclosure of political contributions, contributions to tax exempt organizations, or dues paid to trade associations."

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 in total the fund cannot exceed more than $100 million. Collections in excess of these amounts go to the Treasury Department general fund. H.R. 2995 as reported would also have prohibited funding the reserve fund for the fiscal year. The House committee argued that the SEC "should request the level of funding it believes is necessary in any given fiscal year and not have access to reserve funding that is outside of the Congressional review process."[106] Aside from the $25 million rescission, P.L. 114-113 did not change the status of the reserve fund.

For more information, see CRS In Focus IF10032, *Introduction to Financial Services: The Securities and Exchange Commission (SEC)*, by Gary Shorter.

Selective Service System[107]

The Selective Service System (SSS) is an independent federal agency operating with permanent authorization under the Military Selective Service Act.[108] 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. All 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 1972 and has not been renewed. In 2004, an effort to provide the President with induction authority was rejected.[109] 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.

Funding of the Selective Service System has remained relatively stable over the years in terms of absolute dollars, but has decreased in terms of inflation adjusted funding. For FY2016, the President requested $22.9 million, whereas the House bill included $22.5 million and the Senate bill included $22.7 million. P.L. 114-113 appropriated $22.7 million.

Small Business Administration[110]

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)

[106] H.Rept. 114-194.

[107] This section authored by Barbara Torreon (7-8996).

[108] 50 U.S.C. §451 et seq.

[109] H.R. 163 in the 108th Congress, October 5, 2004, failed on a vote of 2 yeas to 402 nays (Roll Call No. 494).

[110] This section authored by Robert Dilger and Sean Lowry.

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 $860.1 million for the SBA for FY2016 compared to an FY2015 appropriation of $888 million. The requested amount included $281.9 million for salaries and expenses, $206.3 million for entrepreneurial development/non-credit programs, $152.7 million for business loan administration, $3.3 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 $186.9 million for disaster assistance.[111]

H.R. 2995 as reported would have appropriated $852.5 million for the SBA for FY2016, $7.6 million less than the President's request. The committee reduced the President's request for salaries and expenses by $24.9 million (to $257.0 million), increased the President's request for entrepreneurial development/non-credit programs by $17.3 million (to $223.6 million), and accepted the President's request for the remaining budget accounts.

S. 1910 would have appropriated $849.1 million for the SBA for FY2016, $11 million less than the President's request. The committee reduced the President's request for salaries and expenses by $24.9 million (to $257 million), increased the President's request for entrepreneurial development/non-credit programs by $13.9 million (to $220.2 million), and accepted the President's request for the remaining budget accounts.

The House and Senate committees provided different funding amounts for several entrepreneurial development/non-credit programs; the House committee did not provide any funding for the SBA's regional innovation cluster initiative; and the Senate committee did not provide any funding for the PRIME program.

P.L. 114-113 appropriated $871.0 million for the SBA for FY2016, $10.9 million more than the Administration's request, including $268.0 million for salaries and expenses, $231.1 million for entrepreneurial development and noncredit programs, $152.7 million for administrative expenses related to the SBA's business loan programs, $3.3 million for business loan credit subsidies (for the Microloan program), $19.9 million for Office of Inspector General, $9.1 million for the Office of Advocacy, and $186.9 million for disaster assistance. The explanatory statement accompanying the act recommended funding for 14 entrepreneurial development and noncredit programs, including $6.0 million for the SBA's regional innovation cluster initiative and $5.0 million for the PRIME program.[112]

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.

United States Postal Service[113]

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.[114] Congress, however,

[111] OMB, *Appendix, Budget of the United States, FY2016*, pp. 1193-1203.

[112] "Explanatory Statement," *Congressional Record*, vol. 161, no. 184, Book II, December 17, 2015, p. H10139.

[113] This section was authored by Michelle Christensen (7-0764).

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

does provide annual appropriations to compensate USPS for revenue it forgoes in providing free mailing privileges to the blind[115] and overseas voters.[116] Congress authorized appropriations for these purposes in the Revenue Forgone Reform Act of 1993 (RFRA).[117] This act also permitted Congress to provide USPS with a $29 million annual reimbursement until 2035 to compensate for the costs of postal services USPS provided at below-cost rates to nonprofit organizations in the early 1990s.[118] 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 U.S. 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).[119]

The Postal Accountability and Enhancement Act (PAEA),[120] 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 the OMB.[121] The law further requires that funding for these two agencies must be provided out of the PSF.[122] 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.[123] **Table 6** below summarizes the different appropriations for the USPS.

[115] 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 (Washington: USPS, May 2005), http://www.usps.com/cpim/ftp/pubs/pub347.pdf.

[116] 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). See CRS Report RS20764, *The Uniformed and Overseas Citizens Absentee Voting Act: Overview and Issues*, by Kevin J. Coleman.

[117] 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, congressional clients may contact Michelle D. Christensen.)

[118] Ibid.

[119] 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.

[120] P.L. 109-435; 120 Stat. 3198. On the Postal Accountability and Enhancement Act's (PAEA's) major provisions, see CRS Report R40983, *The Postal Accountability and Enhancement Act of 2006*, by Kevin R. Kosar. (This author has left CRS. For questions about this topic, congressional clients may contact Michelle D. Christensen.)

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

[122] Ibid.

[123] Ibid. Although 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.

Table 6. United Postal Service Appropriations, FY2015-2016

(in millions of dollars)

Agency	FY2015 Enacted	FY2016 Request	FY2016 House Committee	FY2016 Senate Committee	FY2016 Enacted
USPS Payment to the Postal Service Fund *(annual appropriation)*	$70	$67	$55	$50	$55
PRC *(via transfer from Postal Service Fund)*	15	16	15	15	15
USPSOIG *(via transfer from Postal Service Fund)*	244	251	244	244	249
Total	**329**	**333**	**314**	**309**	**319**

Sources: P.L. 113-235, *Appendix, Budget of the United States, FY2016,* H.R. 2995, H.Rept. 114-194, S. 1910, S.Rept. 114-97, P.L. 114-113 and Explanatory Statement.

Notes: While a total is provided in **Table 6,** it is important to note that the PAEA (P.L. 109-43) requires that the USPSOIG's budget be treated as a component of the USPS's budget, while the PRC's budget, like the budgets of other independent regulators, is treated separately. Additionally, the funds provided to USPSOIG and PRC are via transfer from the PSF, which is a revolving fund that consists almost entirely of revenues generated from the sale of postal products and services.

Payment to the Postal Service Fund for Revenue Forgone

Funding to compensate the USPS for revenue forgone has traditionally been provided as an advance appropriation.[124] For example, in FY2015 the USPS was provided $70 million for the PSF, of which $29 million was the annual reimbursement for FY2015 and the remaining $41 million was an advance appropriation for FY2016.[125]

In the FY2016 budget request, USPS and the President requested $67.2 million as an advance appropriation (for FY2017) for estimated costs of providing free mailing privileges to the blind and overseas voters.[126]

The FY2016 Senate bill includes $49.9 million for the PSF as an advance appropriation for FY2017.[127] Although the Senate bill would continue to provide USPS's funding as an advance appropriation, the FY2016 House bill would not.

The House bill includes $55.1 million for the PSF for FY2016.[128] The accompanying committee report notes that in previous years funding was provided as an advance appropriation, but recommends that for FY2016, funding should "be provided in the year in which the estimated costs occur."[129]

[124] OMB defines an advance appropriation as "one made to become available one year or more beyond the year for which the appropriations act is passed. Advance appropriations in 2016 appropriations acts will become available for programs in 2017 or beyond." OMB, *Appendix, Budget of the United States, FY2016*, p. 1345.

[125] P.L. 113-235.

[126] OMB, *Appendix, Budget of the United States, FY2016*, p. 1311.

[127] S.Rept. 114-97, p. 117.

[128] H.Rept. 114-194, p. 85.

[129] H.Rept. 114-194, p. 85.

P.L. 114-113 provides $55.1 million for the PSF.[130] Like the House bill, P.L. 114-113 does not provide the funding as an advance appropriation. P.L. 114-113 also provides $52.7 million under the GSA Federal Buildings Fund for select construction and acquisition projects on GSA's *FY2015–FY2019 Five-Year Capital Investment Plan*, which includes at least four projects to purchase, renovate, or repair federal facilities containing a U.S. Post Office.[131]

U.S. Postal Service Office of Inspector General

USPSOIG and the President requested $250.7 million be transferred from the PSF for USPSOIG.[132] Both the House and Senate FY2016 FSGG bills would provide $243.9 million for USPSOIG (via transfer from the PSF), which is the same amount that was provided to USPSOIG in its FY2015 appropriations.[133] P.L. 114-113 provides $248.6 million for USPSOIG.[134]

Postal Regulatory Commission

PRC and the President requested $15.5 million be transferred from the PSF for the PRC.[135] The House bill would provide $15.2 million for the PRC (via transfer from the PSF).[136] The Senate bill would provide $15.2 million for the PRC (via transfer from the PSF).[137] P.L. 113-235 provided $14.7 million (via transfer from the PSF) for the PRC in FY2015. P.L. 114-113 provides $15.2 million (via transfer from the PSF) for the PRC, which is the same as the House bill.[138]

Policy Provisions

P.L. 114-113 renews several long-standing postal policy provisions. For example, P.L. 114-113

1. requires USPS to continue six-day mail delivery;
2. requires USPS to continue providing mail for overseas voting and mail for the blind free of charge;
3. prohibits appropriated funds from being used to charge a fee to a child support enforcement agency seeking the address of a postal customer; and
4. prohibits funds from being used to consolidate or close small rural and other small post offices.[139]

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[130] P.L. 114-113. Additionally, the advance appropriation of $41 million provided in the FY2015 FSGG Appropriations Act became available for obligation and expenditure at the start of FY2016. For this reason, the total Payment to the Postal Service Fund for FY2016 is $96.075 million ($41 million + $55.075 million). See Division E of P.L. 113-23.

[131] P.L. 114-113; U.S. General Services Administration, *FY2015–FY2019 Five-Year Capital Investment Plan*, February 2, 2015, pp. FBF 52-FBF 55, http://www.gsa.gov/portal/mediaId/205963/fileName/FY2016_CONGRESSIONAL_JUSTIFICATION.action#page=68.

[132] OMB, *Appendix, Budget of the United States, FY2016*, pp. 1315-1316.

[133] H.Rept. 114-194, p. 86; S.Rept. 114-97, p. 118; P.L. 113-235.

[134] P.L. 114-113.

[135] OMB, *Appendix, Budget of the United States, FY2016*, p. 1316.

[136] H.Rept. 114-194, p. 74.

[137] S.Rept. 114-97, p. 105.

[138] P.L. 114-113.

[139] Ibid.

Both the House and Senate FY2016 FSGG bills would have renewed these policy provisions as well.[140] In addition, the House bill would have required USPS to report the Postmaster General to submit a report to the Committee detailing USPS's plans and steps taken to increase sales of the Multinational Species Conservation Fund Semi-postal Stamp.[141]

The President's FY2016 budget request, like the House and Senate measures, proposes extending the aforementioned long-standing appropriations policies—except for six-day mail delivery.[142] The Administration proposes implementing several operational reforms intended to "reduce Postal costs and improve its revenue," such as moving to five-day delivery if mail volume falls below 140 billion pieces for four consecutive quarters and shifting to centralized and curbside mail delivery, where appropriate.[143]

The Administration also proposed several changes to occur through FY2016 to how USPS calculates, pays, and prefunds its retiree benefits, including

- requiring OPM to recalculate USPS's Federal Employee Retirement System balance using USPS's specific demographics, and to return any overpayment to USPS over a period of two years;[144]
- restructuring USPS's Retiree Health Benefits Fund (RHBF) payments schedule to include codifying the missed RHBF payments and deferring the remaining fixed payments, which would provide USPS with "more than $13 million in financial relief through 2016."[145]

The President's budget states that, "[t]ogether, these reforms would set USPS on a sustainable business path, providing it with over $17 billion in cash relief, operational savings and revenue through 2016."[146]

United States Tax Court[147]

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 received $51 million in FY2015. The President requested $54 million for FY2016, an increase of $3 million from FY2015 enacted appropriations. H.R. 2995 as reported and S. 1910 as reported would appropriate $51 million for FY2016, which would be $3 million less than the

[140] H.R. 2995; H.Rept. 114-194, pp. 85-86; S. 1910; and S.Rept. 114-97, pp. 117-118.

[141] H.Rept. 114-194, p. 86.

[142] OMB, *Appendix, Budget of the United States, FY2016*, p. 1311.

[143] Ibid., p. 1314.

[144] Ibid.

[145] Ibid. See also OMB, *Appendix, Budget of the United States, FY2016*, pp. 1185-1191. For additional information on the RHBF, see CRS Report R43349, *U.S. Postal Service Retiree Health Benefits and Pension Funding Issues*, by Kirstin B. Blom and Katelin P. Isaacs.

[146] OMB, *Appendix, Budget of the United States, FY2016*, p. 1314.

[147] This section authored by Garrett Hatch.

President's request and the same as the FY2015 enacted amount. P.L. 114-113 appropriated $51.3 million.

General Provisions Government-Wide[148]

The FSGG Appropriations Act includes general provisions applying government-wide. Most of the provisions continue language that has appeared under the General Provisions title for several years because Congress has decided to reiterate the language rather than making the provisions permanent. An Administration's proposed government-wide general provisions for a fiscal year are generally included in the Budget Appendix.[149] Among the new provisions proposed for FY2016 were the following (whether the provision was included in the budget proposal, H.R. 2995 as reported, S. 1910 as reported, or P.L. 114-113 is noted):

New Government-wide General Provisions Enacted for FY2016

- If new budget authority provided in FY2016 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 the Congressional Budget Office (CBO), the OMB director will make an adjustment to the FY2016 discretionary spending limit in such category in the amount of the excess. The total of all such adjustments will not exceed 0.2% of the sum of the adjusted FY2016 discretionary spending limits for all categories. (Section 738, FY2016 Budget Proposal; Section 748, S. 1910; and Section. 7, P.L. 114-113.)
- The use of appropriated funds to recommend or require any entity submitting an offer for a federal contract or otherwise performing or participating in acquisition to disclose political contributions is prohibited. (Section 735, H.R. 2995 and Section 735, P.L. 114-113. The law does not include the language "or otherwise performing or participating in acquisition.")
- The use of appropriated funds is prohibited to (1) implement, administer, carry out, modify, revise, or enforce the Executive Order 13690 titled "Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input," other than for "(A) acquiring, managing, or disposing of Federal lands and facilities; (B) providing federally undertaken, financed, or assisted construction or improvements; or (C) conducting Federal activities or programs affecting land use, including water and related land resources planning, regulating, and licensing activities; (2) implement Executive Order 13690 in a manner that modifies the non-grant components of the National Flood Insurance Program; or (3) apply Executive Order 13690 or the Federal Flood Risk Management Standard by any component of the Department of Defense, including the Army Corps of Engineers in a way that changes the 'floodplain' considered when determining whether or not to issue a Department of the Army permit under section 404 of the Clean Water Act or section 10 of the Rivers and Harbors Act." The provision will "not be in effect during the period beginning on October 1, 2016 and ending on September 30, 2017." (Section. 750,

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

[149] For FY2016, the provisions are listed in the OMB, *Appendix, Budget of the United States, FY2016*, pp. 7-11.

P.L. 114-113; Section 745, H.R. 2995; and Section 747, S. 1910 also addressed this executive order).

New Government-wide General Provisions Proposed but not Enacted for FY2016

- The use of appropriated funds to pay for an abortion or the administrative expenses in connection with a multi-state qualified health plan offered under a contract (under the Patient Protection and Affordable Care Act[150]) that provides any benefits or coverage for abortions would be prohibited. The provision would not apply in circumstances in which the life of the mother would be endangered if the fetus were carried to term, or if the pregnancy resulted from rape or incest. (Section 901, H.R. 2995).

Cuba Sanctions[151]

H.R. 2995, as reported, included three Cuba provisions that would have blocked some of the Obama Administration's Cuba policy changes announced in December 2014 to move away from a sanctions-based policy toward one of engagement and a normalization of relations. In contrast, the Senate bill had three Cuba provisions that would have built upon the Administration's policy shift by lifting several U.S. sanctions on Cuba. Ultimately, none of these provisions were included in P.L. 114-113.

In the House bill, Section 130 would have prohibited funding to allow people-to-people educational travel to Cuba. Such travel was first authorized by the Clinton Administration in 1999, curtailed by the Bush Administration in 2003, and re-authorized by the Obama Administration in 2011. In January 2015, the Obama Administration authorized a general license for people-to-people travel. Section 131 would have prohibited funding to allow the use, purchase, trafficking, or import of property confiscated by the Cuban government. The provision appeared aimed at prohibiting the importation of alcohol and tobacco products by authorized U.S. travelers as accompanied baggage. In January 2015, the Obama Administration's new policy included the importation of no more than $100 of tobacco and alcohol products combined. Section 132 would have prohibited funding to allow financial transactions with Cuba's Ministry of the Revolutionary Armed Forces, the Ministry of the Interior, their subsidiaries, and any officers of these ministries or their immediate family members. The restrictions would not have applied to financial transactions with respect to U.S. agricultural exports to Cuba.

S. 1910, as reported, would have eased Cuba sanctions related to financing for U.S. agricultural exports, travel, and shipping. Section 638 would have repealed the prohibition on financing agricultural sales to Cuba, including the requirement that payment for such products shall be cash-only payment in advance or financing by third country financial institutions. Section 641 would have lifted restrictions on travel to Cuba. It would have prohibited funds from being used to restrict travel, and would have provided that any law, regulation, or policy restricting travel would cease to have any force or effect. Section 642 would have repealed a provision of law prohibiting a vessel engaging in trade with Cuba from loading or unloading any freight in the United States within 180 days after departing Cuba, except pursuant to a Treasury Department license.

[150] P.L. 111-148.

[151] This section authored by Mark P. Sullivan.

For additional information on Cuba, see CRS Report R43926, *Cuba: Issues for the 114th Congress*, by Mark P. Sullivan.

Author Information

Baird Webel, Coordinator
Acting Section Research Manager

Michelle D. Christensen
Analyst in Government Organization and Management

Robert Jay Dilger
Senior Specialist in American National Government

Patricia Moloney Figliola
Specialist in Internet and Telecommunications Policy

R. Sam Garrett
Specialist in American National Government

Darryl E. Getter
Specialist in Financial Economics

Wendy Ginsberg
Analyst in American National Government

Raj Gnanarajah
Analyst in Financial Economics

Gary Guenther
Analyst in Public Finance

Garrett Hatch
Specialist in American National Government

Sean Lowry
Analyst in Public Finance

Rena S. Miller
Specialist in Financial Economics

Barbara L. Schwemle
Analyst in American National Government

Gary Shorter
Specialist in Financial Economics

Mark P. Sullivan
Specialist in Latin American Affairs

Barbara Salazar Torreon
Senior Research Librarian

Jacob R. Straus
Analyst on the Congress

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