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Financial Services and General Government (FSGG) FY2019 Appropriations: Independent Agencies and General Provisions

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SUMMARY

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Financial Services and General Government (FSGG) FY2019 Appropriations: Independent Agencies and General Provisions

The Financial Services and General Government (FSGG) appropriations bill includes funding for more than two dozen independent agencies. Among them are the

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

President Trump's FY2019 budget request included a total of $3 billion for the independent agencies funded through the FSGG appropriations bill, including $282 million for the Commodity Futures Trading Commission (CFTC) (which is considered through the Agriculture appropriations bill in the House and the FSGG bill in the Senate).

In the 115th Congress, the House and Senate Committees on Appropriations reported FSGG appropriations bills (H.R. 6258, H.Rept. 115-792 and S. 3107, S.Rept. 115-281) and both houses passed different versions of a broader bill (H.R. 6147) that would have provided FY2019 appropriations. The House-passed H.R. 6147 would have provided a combined total of $1.4 billion for the FSGG agencies, while the Senate-passed H.R. 6147 would have provided $2.3 billion. In both cases, the largest differences compared to the President's request were in the funding for the General Services Administration (GSA). No full-year FY2019 FSGG bill was enacted prior to the end of FY2018. The FSGG agencies were provided continuing appropriations through December 7, 2018, in P.L. 115-245 and through December 21, 2018, in P.L. 115-298. No final bill, however, was enacted and funding for FSGG agencies along with much of the rest of the government lapsed on December 22, 2018. No further FY2019 appropriations occurred prior to the 116th Congress.

In the 116th Congress, the House of Representatives passed H.R. 21 and H.R. 648, both containing six full FY2019 appropriations bills, including FSGG provisions. H.R. 21 was identical to the Senate-passed H.R. 6147, while H.R. 648 was based on a prospective conference report from the 115th Congress and contained $2.5 billion for the FSGG independent agencies. The Senate did not act on either of these bills.

On February 14, 2019, both the House and the Senate agreed to a conference report (H.Rept. 116-9) for H.J.Res. 31, containing seven appropriations bills providing full FY2019 funding for the government's operations that had not been previously funded. This included FSGG provisions nearly identical to H.R. 648. The President signed the resolution on February 15, 2019, enacting it into law as P.L. 116-6. P.L. 116-6 provides a total of $1.9 billion in appropriations for FSGG independent agencies.

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Introduction

The Financial Services and General Government (FSGG) appropriations bill includes funding for more than two dozen independent agencies. 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.[1] It also addresses general provisions that apply government-wide, which appear in Title VII, and provisions on Cuba sanctions, which would typically appear in Title I. In addition, the FSGG bill funds agencies not covered in this report—the Department of the Treasury (Title I), the Executive Office of the President (EOP; Title II), the judiciary (Title III), and the District of Columbia (Title IV). The bill typically funds mandatory retirement accounts in Title VI, which also contains general provisions applying to the FSGG agencies.[2]

The FSGG bill occasionally addresses other issues, particularly those involving financial regulation, in additional titles.[3] Although financial services are a major focus of the bill, the FSGG appropriations bill does not fund many financial regulatory agencies, which are instead funded outside of the appropriations process.[4]

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. Funding for the Commodity Futures Trading Commission (CFTC) is considered through the Agriculture appropriations bill in the House and the FSGG bill in the Senate. In this report, the CFTC funding is generally included in the combined funding totals for FSGG independent agencies.

Administration and Congressional Action

115th Congress

President Trump submitted his FY2019 budget request on February 12, 2018. The request included a total of $2.3 billion for independent agencies funded through the FSGG appropriations bill, including $282 million for the CFTC.[5]

The House Committee on Appropriations reported a Financial Services and General Government Appropriations Act, 2019 (H.R. 6258, H.Rept. 115-792) on June 15, 2018.[6] Total FY2019 funding

[1] The report will include in this discussion similar funding that occasionally appears elsewhere in the bill, such as Public Company Accounting Oversight Board scholarship funding, which is in Division D, §619 of P.L. 116-6.

[2] For an overview of FSGG appropriations, see CRS Report R45295, *Financial Services and General Government (FSGG) FY2019 Appropriations: Overview*, by Baird Webel.

[3] See CRS Insight IN10950, *Financial Services and General Government (FSGG) FY2019 Appropriations and Financial Regulatory Reform*, by Baird Webel, Marc Labonte, and Eva Su.

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

[5] The President's budget does not total the requested amounts according to the congressional appropriations structure. This total amount is as reported in H.Rept. 115-792 and S.Rept. 115-281.

[6] U.S. Congress, House Committee on Appropriations, *Financial Services and General Government Appropriations Bill, 2019*, report to accompany H.R. 6258, 115th Cong., 2nd sess., June 28, 2018, H.Rept. 115-792 (Washington: GPO, 2018).

in the reported bill would have been approximately $1.2 billion for the FSGG independent agencies, with another $255 million for the CFTC included in the Agriculture appropriations bill (H.R. 5961, H.Rept. 115-706).[7] The combined total of $1.4 billion would have been about $0.9 billion below the President's FY2019 request, with the largest difference in the funding for the General Services Administration (GSA). Title IX of H.R. 6258 contained a number of legislative provisions involving financial regulation. This included a provision bringing the Bureau of Consumer Financial Protection (CFPB) into the appropriations process after 2020.[8]

H.R. 6258 was included as Division B of H.R. 6147, the Interior appropriations bill, when it was considered by the House of Representatives beginning on July 17, 2018. The bill was amended numerous times, shifting funding among FSGG agencies but not changing the FSGG totals.[9] H.R. 6147 passed the House on July 19, 2018.

The Senate Committee on Appropriations reported a Financial Services and General Government Appropriations Act, 2019 (S. 3107, S.Rept. 115-281) on June 28, 2018.[10] Funding in S. 3107 totaled $2.3 billion for the FSGG independent agencies, approximately the same overall as the President's FY2019 request, but with differences in funding for the individual components, notably the GSA.

The Senate began floor consideration of H.R. 6147 on July 24, 2018, including the text of S. 3107 as Division B of the amendment in the nature of a substitute (S.Amdt. 3399). The amendment also included three other appropriations bills. The amended version of H.R. 6147 was passed by the Senate on August 1, 2018. Among the various funding differences, which are detailed in **Table 3** below, the Senate version of the bill did not include the Title IX legislative provisions, such as the shift in CFPB funding.

The conference committee on H.R. 6147 convened on September 13, 2018. No conference report was reported, however, prior to the end of the fiscal year. Instead, Division C of P.L. 115-245, enacted on September 28, 2018, generally provided for continuing appropriations at FY2018 levels for the FSGG agencies through December 7, 2018.[11] A further continuing resolution (P.L. 115-298) was passed providing funding through December 21, 2018. No additional appropriations were passed in the 115th Congress, leading to a funding lapse for the FSGG agencies as well as those funded in six other appropriations bills[12] beginning on December 22, 2018.

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[7] U.S. Congress, House Committee on Appropriations, *Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2019*, report to accompany H.R. 5961, 115th Cong., 2nd sess., May 24, 2018, H.Rept. 115-706 (Washington: GPO, 2018).

[8] The bill did not specify in which appropriations bill CFPB funding would be addressed going forward, although it would be consistent with other similar agencies for the funding to appear in the FSGG bill.

[9] House-passed amendments to the FSGG portion of H.R. 6147 included H.Amdt. 948, H.Amdt. 947, H.Amdt. 946, H.Amdt. 945, H.Amdt. 943, H.Amdt. 942, H.Amdt. 941, H.Amdt. 939, H.Amdt. 938, H.Amdt. 937, H.Amdt. 936, H.Amdt. 935, H.Amdt. 934, and H.Amdt. 933.

[10] U.S. Congress, Senate Committee on Appropriations, *Financial Services and General Government Appropriations Bill, 2019*, report to accompany S. 3107, 115th Cong., 2nd sess., June 21, 2018, S.Rept. 115-281 (Washington: GPO, 2018).

[11] The Small Business Administration (SBA) funding was a specific exception to the general rule. SBA may apportion funding for the "Business Loans Program Account" up to the rate necessary to accommodate increased demand for Section 7(a) loans (Section 123).

[12] These bills were Agriculture, Rural Development, Food and Drug Administration, and Related Agencies; Commerce, Justice, Science, and Related Agencies; Homeland Security; Interior, Environment, and Related Agencies; State, Foreign Operations, and Related Programs; and Transportation, Housing and Urban Development, and Related

116th Congress

The House of Representatives passed two consolidated appropriations bills in January 2019. H.R. 21, passed on January 3, 2019, contained six full FY2019 appropriations bills, including FSGG provisions nearly identical to those passed by the Senate in the 115th Congress. H.R. 21 would have provided a total of $2.3 billion for the FSGG agencies, with the CFTC funding included in the FSGG division, following the Senate structure. On January 23, 2019, the House passed H.R. 648, also containing the same six full FY2019 appropriations bills, which was reportedly based on a potential conference report from the 115th Congress.[13] H.R. 648 would have provided $2.5 billion for the FSGG agencies, with the FSGG portion, including CFTC funding, in Division C. Neither of these bills included the financial regulatory provisions in Title IX of the House-passed bill in the 115th Congress. The Senate did not act on either of these bills.

On February 14, 2019, both the House and the Senate agreed to a conference report (H.Rept. 116-9) on H.J.Res. 31, the Consolidated Appropriations Act, 2019, containing seven appropriations bills. This act provides full FY2019 funding for the government's operations that had not been previously funded, including FSGG provisions nearly identical to H.R. 648 with notable exceptions in the Treasury's asset forfeiture fund and the GSA. The President signed the resolution on February 15, 2019, enacting it into law as P.L. 116-6.

P.L. 116-6, Division D provided $1.9 billion for the FSGG independent agencies, including the funding for the CFTC. It did not include the Title IX financial regulatory provisions passed by the House in the 115th Congress. The final total was approximately $0.6 billion less than the President's request, with most of the difference coming from funding for the GSA. The conference report provided that language from the previous appropriations committees reports (H.Rept. 115-792 and S.Rept. 115-281) should be considered as indicating congressional intent unless specifically addressed to the contrary in H.Rept. 116-9.

Table 1 below reflects the status of FSGG appropriations measures at key points in the appropriations process across the 115th and 116th Congress. **Table 2** lists the broad amounts requested by the President and included in the various FSGG bills, largely by title, and **Table 3** details the amounts for the independent agencies. Specific columns in **Table 2** and **Table 3** are FSGG agencies' enacted amounts for FY2018, the President's FY2019 request, the FY2019 amounts from the 115th Congress bills (H.R. 6147 as passed by the House, and H.R. 6147 as passed by the Senate), the FY2019 amounts from the 116th Congress House-passed bills (H.R. 21 and H.R. 648), and the final FY2019 enacted amounts from P.L. 116-6.

Agencies.

[13] House Committee on Appropriations, "Lowey, House Democrats Release Package of Six Bipartisan Bills to Reopen Most of Federal Government," press release, January 17, 2019, https://appropriations.house.gov/news/press-releases/lowey-house-democrats-release-package-of-six-bipartisan-bills-to-reopen-most-of.

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

Subcommittee Markup									Final Adoption		
House	Senate	House Report (H.Rept. 115-792)	House Passage (H.R. 6147)	Senate Report (S.Rept. 115-281)	Senate Passage (H.R. 6147)	House Passage (H.R. 21)	House Passage (H.R. 648)	Conference Report (H.Rept. 116-9)	House (H.J.Res. 31)	Senate (H.J.Res. 31)	Enact-ment (P.L. 116-6)
5/24/18	6/19/18	6/28/18	7/19/18	6/21/18	8/1/18	1/3/19	1/23/19	2/13/19	2/14/19	2/14/19	2/15/19

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

Table 2. Financial Services and General Government Appropriations, FY2018-FY2019

(millions of dollars)

Agency	FY2018 Enacted	FY2019 Request	House-Passed H.R. 6147	Senate-Passed H.R. 6147	House-Passed H.R. 21	House-Passed H.R. 648	FY2019 Enacted
Department of the Treasury	12,156	12,678	13,643	12,701	12,701	12,586	12,761
Executive Office of the President	726	350	731	729	729	739	739
The Judiciary	7,553	7,662	7,704	7,689	7,689	7,691	7,691
District of Columbia	721	658	737	703	703	726	726
Independent Agencies	4,744	2,959	1,427	2,305	2,305	2,506	1,944
Mandatory Retirement Accounts	21,800	21,818	21,818	21,818	21,818	21,818	21,818
Total	**47,700**	**49,125**	**45,934**	**45,944**	**45,944**	**46,066**	**45,679**

Sources: 115th Congress: H.R. 6147, H.Rept. 115-792, H.Rept. 115-706, and S.Rept. 115-281. 116th Congress: H.R. 21, H.R. 648, H.Rept. 116-9, and P.L. 116-6.

Notes: Totals for each column include funding for the Commodity Futures Trading Commission (CFTC). The CFTC is funded in the House through the Agriculture appropriations bill and in the Senate through the FSGG bill. Figures are net reflecting rescissions and offsetting collections. The mandatory spending for the President's salary is contained in Title VI, Section 619, whereas the rest of presidential spending is in Title II. The Mandatory Retirement Accounts amount stems from Title VI, Section 619. Title VI, Section 620 of P.L. 116-6, H.R. 21, H.R. 648 and the Senate-passed H.R. 6147, but not the House-passed version of H.R. 6147, includes $1 million for Public Company and Accounting Oversight Board scholarships, which is reflected under "Independent Agencies." Title VI, Section 633 of P.L. 116-6 and of H.R. 648 both include $2 million for enhancements to www.oversight.gov, which is reflected under "Independent Agencies." The House-passed H.R. 6258 Title IX's legislative

provisions result in a $126 million savings, which is included in the total. The President requested a legislative provision (Section 737), estimated at $3 billion, which is included in the total FSGG amount, but not the individual totals for the FY2019 request. Totals may not sum due to rounding.

Independent Agencies

Table 3. FSGG Independent Agencies Appropriations, FY2018-FY2019

(millions of dollars)

Agency	FY2018 Enacted	FY2019 Request	House-Passed H.R. 6147	Senate-Passed H.R. 6147	House-Passed H.R. 21	House-Passed H.R. 648	FY2019 Enacted
Administrative Conference of the United States	3.1	3.1	3.1	3.1	3.1	3.1	3.1
Commodity Futures Trading Commission[a]	249.0	281.5	255.0	281.5	281.5	268.0	268.0
Consumer Product Safety Commission	126.0	123.5	127.0	126.0	126.0	127.0	127.0
Election Assistance Commission (EAC)[b]	390.1	9.2	10.1	9.2	9.2	9.2	9.2
Federal Communications Commission[c]	600.0	(333.1)	(355.1)	(333.1)	(333.1)	(339.0)	(339.0)
Federal Deposit Insurance Corporation: Office of Inspector General[d]	(39.1)	(43.0)	(43.0)	(43.0)	(43.0)	(43.0)	(43.0)
Federal Election Commission	71.3	71.3	71.3	71.3	71.3	71.3	71.3
Federal Labor Relations Authority	26.2	26.2	26.2	26.2	26.2	26.2	26.2
Federal Trade Commission	164.3	156.7	158.7	156.7	156.7	156.7	156.7
General Services Administration[e]	-416.0	551.8	-1,076.5	-232.6	-232.6	15	-547.0
Harry S Truman Scholarship Foundation	1.0	—	1.0	1.0	1.0	1.0	1.0
Merit Systems Protection Board	46.8	44.5	46.8	46.8	46.8	46.8	46.8
Morris K. Udall Foundation	5.3	5.1	—	5.1	5.1	5.1	5.1
National Archives and Records Administration[f]	378.2	349.6	363.5	366.2	366.2	364.1	364.1
National Credit Union Administration	2.0	—	2.0	2.0	2.0	2.0	2.0

Agency	FY2018 Enacted	FY2019 Request	House-Passed H.R. 6147	Senate-Passed H.R. 6147	House-Passed H.R. 21	House-Passed H.R. 648	FY2019 Enacted
Office of Government Ethics	16.4	16.3	17.0	16.4	16.4	17.0	17.0
Office of Personnel Management (discretionary)	290.8	295.9	295.9	295.9	295.9	295.9	295.9
Office of Special Counsel	26.5	26.3	26.3	26.5	26.5	26.5	26.5
Postal Regulatory Commission[g]	15.2	15.1	15.2	15.2	15.2	15.2	15.2
Privacy and Civil Liberties Oversight Board	8.0	5.0	5.0	5.0	5.0	5.0	5.0
Public Building Reform Board	5.0	2.0	2.0	—	—	—	—
Public Company Accounting Oversight Board Scholarships	1.0	—	—	1.0	1.0	1.0	1.0
Securities and Exchange Commission[c]	(1,896.5)	(1,699.1)	(1,695.5)	(1,695.5)	(1,695.5)	(1,712)	(1,712)
SEC Reserve Fund Rescission	—	-25.0	—	—	—	—	—
Selective Service System	22.9	26.4	26.0	26.0	26.0	26.0	26.0
Small Business Administration	700.8	678.9	741.9	699.3	699.3	715.4	715.4
SBA Prior Year Rescission	-2.6	-50.0	-50.0	-50.0	-50.0	-50.0	-50.0
SBA Emergency Funds	1,778.0	—	—	—	—	—	—
United States Postal Service (USPS)	58.1	55.2	58.1	55.2	55.2	55.2	55.2
USPS Office of Inspector General[g]	245.0	234.7	250.0	250.0	250.0	250.0	250.0
United States Tax Court	50.7	55.6	51.5	51.5	51.5	51.5	51.5
www.oversight.gov enhancements	—	—	—	—	—	2.0	2.0
Total: Independent Agencies (net discretionary)	**4,744**	**2,259**	**1,427**	**2,305**	**2,305**	**2,506**	**1,944**

Sources: 115th Congress: H.R. 6147, H.Rept. 115-792, H.Rept. 115-706, and S.Rept. 115-281. 116th Congress: H.R. 21, H.R. 648, H.Rept. 116-9, and P.L. 116-6.

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

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

b. The EAC's figures include funds to "be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002." For FY2018, the EAC total included $380 million to" make payments to States for activities to improve the administration of elections for Federal office."

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

d. The FDIC Office of Inspector General's funding is not included in total FSGG funding, as it is transferred from other FDIC funding.

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

f. The National Archives amount is 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 included in the President's budget request and the specific appropriations bills includes this principal repayment.

g. The PRC and USPS OIG are funded by transfer from the Postal Service Fund, not through direct appropriations. Following the Appropriations Committee reports, these amounts are included in the FSGG totals.

Commodity Futures Trading Commission[14]

The Commodity Futures Trading Commission is the independent regulatory agency charged with oversight of derivatives markets. The CFTC's functions include oversight of trading on the futures exchanges, oversight of the swaps markets, registration and supervision of futures industry personnel, self-regulatory organizations and major participants in the swaps markets, prevention of fraud and price manipulation, and investor protection. Although most futures trading is now related to financial variables, such as interest rates, currency prices, and stock indexes, congressional authorization jurisdiction remains vested in the House and Senate agriculture committees because of the market's historical origins as an adjunct to agricultural markets. Appropriations for the CFTC are under the jurisdiction of the Agriculture Appropriations Subcommittee in the House and the Financial Services and General Government Appropriations Subcommittee in the Senate. The location of the final enacted amounts for the CFTC typically switches from year to year between the Agriculture and FSGG bills.

Following the financial crisis of 2008, concerns over the largely unregulated nature of the over-the-counter swaps markets led to various reforms passed in Title VII of the Dodd-Frank Wall Street and Consumer Protection Act.[15] This act brought the bulk of the previously unregulated over-the-counter swaps markets under CFTC jurisdiction, as well as the previously regulated futures and options markets.[16] Passage of the Dodd-Frank Act resulted in the CFTC's oversight of the economically significant swaps markets with an estimated notional value of roughly $240 trillion in the United States. This newly regulated market comes on top of the CFTC's prior jurisdiction over the futures and options markets, with an estimated $34 trillion notional value in the United States.[17]

The President requested $281.5 million for the CFTC in FY2019, an increase of $32.5 million from FY2018. In the 115th Congress, H.R. 5961 as reported by the House Agriculture Committee, which was not considered by the full House, would have appropriated $255 million, whereas H.R. 6147 as passed by the Senate would have appropriated $281.5 million.

In the 116th Congress, H.R. 21 would have appropriated $281.5 million, while H.R. 648 would have appropriated $268 million. P.L. 116-6 appropriated $268 million.

Consumer Product Safety Commission[18]

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

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

[15] P.L. 111-203.

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

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

[18] This section authored by Gary Guenther.

safety; collects and publishes for public use a host of data on injuries and product hazards; and collaborates with state and local governments to establish uniform domestic product regulations.

The Administration requested $123.5 million in appropriations for the commission in FY2019, or $2.5 million less than the enacted amount for FY2018. According to the CPSC's budget request for FY2019, $5.6 million of that amount would be channeled into workforce development, $72.6 million into preventing hazardous products from reaching consumers, $37.2 million into responding quickly to evidence that certain products can be harmful to consumers, and $8.1 million into communicating information about hazardous products to consumers and makers and sellers of such products. Employee compensation accounts for nearly two-thirds of the FY2019 budget request.

H.R. 6147 as passed by the House would have provided $127 million in appropriations for the CPSC in FY2019, or $3.5 million more than the budget request. An administrative provision in the bill (Section 501) would have barred the commission from using any of the appropriated funds to "finalize or implement" a safety standard for off-road vehicles (ORVs) that was published in the *Federal Register* on November 19, 2014 (79 *Fed. Reg.* 68964) until two conditions were met. First, the National Academy of Sciences (in consultation with the Department of Defense and National Highway Traffic Safety Administration) completed a study that addresses (1) the feasibility of certain technical requirements proposed in the standard, (2) the number of rollovers that would be prevented if the requirements were adopted, and (3) the impact of the standard on ORVs used by the military. Second, the results were "delivered" to the House and Senate Appropriations Committees, the Senate Committee on Commerce, Science, and Transportation, and the House Committee on Energy and Commerce.

In the 115th Congress, H.R. 6147 as passed by the Senate would have appropriated $126 million, or $2.5 million more than the budget request. It included the same administrative provision (Section 501) dealing with ORVs as the House version of H.R. 6147.

In the 116th Congress, H.R. 21 would have appropriated $126 million, whereas H.R. 648 would have appropriated $127 million. P.L. 116-6 appropriated $127 million for the CPSC and included the Section 501 administrative provision dealing with ORVs. In addition, $800,000 of the appropriated amount is to remain available until expended to carry out the grant program mandated by Section 1405 of the Virginia Graeme Baker Pool and Spa Safety Act.[19]

Election Assistance Commission[20]

The Election Assistance Commission (EAC) is an independent agency that is charged with helping improve the administration of federal elections. Established by the Help America Vote Act of 2002 (HAVA),[21] the EAC is responsible for managing election administration grants and payments; providing for federal voting system standards, testing, and certification; adopting voluntary guidance for national election administration requirements; conducting election administration research; and facilitating information exchanges among election administration stakeholders. The EAC was not given new regulatory authority under HAVA, but the law transferred certain responsibilities for the National Voter Registration Act of 1993 (NVRA),[22]

[19] P.L. 110-140.

[20] This section authored by Karen L. Shanton and R. Sam Garrett.

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

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

including certain rulemaking authority, from the Federal Election Commission (FEC) to the EAC. The Department of Justice has enforcement authority under HAVA.

The President's budget request for FY2019 included $9.2 million for the EAC. In the 115th Congress, H.R. 6147 as passed by the House would have appropriated $10.1 million, whereas H.R. 6147 as passed by the Senate would have appropriated $9.2 million. Each of those figures included $1.5 million to be transferred to the National Institute of Standards and Technology (NIST) for work NIST performs under HAVA.

In the 116th Congress, H.R. 21 and H.R. 648 would have appropriated $9.2 million for the EAC, the same figure as was enacted in P.L. 116-6. The funding in H.R. 21 would have included $1.5 million for transfer to NIST, and the funding in H.R. 648 would have included $1.25 million. The enacted bill included $1.25 million for NIST.

Federal Communications Commission[23]

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

Since 2009, the FCC's entire budget is derived from regulatory fees collected by the agency rather than through a direct appropriation. The fees, often referred to as "Section (9) fees," are collected from license holders and certain other entities (e.g., cable television systems) and deposited into an FCC account. The law gives the FCC authority to review the regulatory fees and to adjust the fees to reflect changes in its appropriation from year to year.[24]

For FY2019, P.L. 116-6 provides the FCC with $339 million for salaries and expenses, all derived from offsetting collections, resulting in no net appropriation. The law also directs the FCC to take specific actions regarding its parental rating system and transmission of local television programming.

- Oversight Monitoring and Rating System: The FCC is directed to report to the Senate and House Committees on Appropriations within 90 days on the extent to which the rating system matches the video content that is being shown and the ability of the TV Parental Guidelines Oversight Monitoring Board to address concerns expressed by the public.
- Transmissions of Local Television Programming: With respect to the Satellite Television Extension and Localism Reauthorization (STELAR) Act of 2014, the FCC is directed to provide a full analysis to ensure decisions on market modification are comprehensively reviewed and STELAR's intent to promote localism is retained. The FCC is directed to adhere to statutory requirements and congressional intent when taking administrative action under STELAR.

P.L. 116-6 also contains an administrative provision (Section 510) that prohibits the FCC from changing rules governing the Universal Service Fund regarding single connection or primary line restrictions.

[23] This section authored by Patricia Moloney Figliola.

[24] Most years, appropriations language prohibits the Federal Communications Commission (FCC) from using 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.

Federal Deposit Insurance Corporation's Office of the Inspector General[25]

The Federal Deposit Insurance Corporation (FDIC) Office of the Inspector General's (OIG's) mission is to audit, investigate, and review the FDIC's operations and programs. The FDIC in general is funded through deposit insurance funds outside of the appropriations process. Its 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 President's request included $43.0 million for the FDIC OIG in FY2019. In the 115th Congress, H.R. 6147 as passed by the House and H.R. 6147 as passed by the Senate would both have appropriated the requested $43.0 million.

In the 116th Congress, P.L. 116-6 appropriated $43.0 million, the same amount as provided for in H.R. 21 and H.R. 648.

Federal Election Commission[26]

The Federal Election Commission (FEC) is an independent agency that administers and enforces civil compliance with the Federal Election Campaign Act (FECA) and campaign finance regulations.[27] The agency does so through educational outreach, rulemaking, enforcement and litigation, and advisory opinion issuances. The FEC also administers the presidential public financing system.[28]

For FY2019, the agency requested $71.3 million.[29]

In the 115th Congress, H.R. 6147 as passed by the House and H.R. 6147 as passed by the Senate would have appropriated the requested $71.3 million.

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

- Section 628 of the House-passed H.R. 6147 would have prohibited the Securities and Exchange Commission (SEC) from issuing rules "regarding the disclosure of political contributions" or payments for trade-association dues. The Senate-passed bill retains this language in Section 629.

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

[26] This section authored by R. Sam Garrett. For more information on the Federal Election Commission (FEC) and 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.

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

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

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

- Section 630 of the House-passed H.R. 6147 would have prohibited spending appropriated funds to enforce a FECA provision known as the "prior approval" rule.[30] This provision limits the number of trade associations that may solicit member-companies' employees. This language does not appear in the Senate-passed bill.
- Section 734 of the House-passed H.R. 6147 would have prohibited reporting certain political contributions or expenditures as a condition of the government-contracting process. The Senate-passed bill retains this language in Section 735.

In the 116th Congress, P.L. 116-6 appropriated $71.3 million, the same amount as included in H.R. 21 and H.R. 648. General provisions in P.L. 116-6 prohibit spending appropriated funds on additional SEC disclosure (§629) or contractor disclosure (§735), as noted above, but do not include any prohibitions relating to the "prior approval" rule. In addition, report language accompanying P.L. 116-6 directs the FEC to update congressional appropriators on the agency's ongoing rulemaking on disclaimers for certain online political advertisements.[31]

Federal Trade Commission[32]

The Federal Trade Commission (FTC) has two primary responsibilities: (1) to protect consumers from deceptive or illegal business practices, and (2) to maintain or enhance competition in a broad range of industries. The FTC enforces laws prohibiting anticompetitive, deceptive, or unfair business practices; issues new and revised regulations; and educates 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) premerger filing fees under the Hart-Scott-Rodino (HSR) Antitrust Improvements Act of 1976,[33] and (3) Do-Not-Call (DNC) Registry fees.

Under the President's FY2019 budget request, the FTC would have received $156.7 million in direct appropriations, and as much as $136 million in HSR filing fees and $17 million in DNC registry fees, for a total budget of $309.7 million. Enacted direct appropriations for the FTC in FY2018 totaled $164.3 million, and its total budget came to $306.3 million, or $3.4 million below the budget request. In FY2019, 55% of the requested appropriations were to go to activities intended to protect consumers, and the remaining 45% would have been used to promote competition in domestic markets.

In the 115th Congress, H.R. 6147 as passed by the House would have set the FTC's total budget in FY2019 at $311.7 million, or $2 million above the budget request. This assumed that the agency would collect no more than $136 million in HSR filing fees and $17 million in DNR fees, leaving a direct appropriation of $158.7 million. Under the bill, none of the funds available to the FTC in FY2019 could have been used to carry out its full responsibilities under Section 151 of the

[30] 52 U.S.C. §30118(b)(4)(D).

[31] H.Rept. 116-9, p. 674. For additional discussion, see CRS In Focus IF10758, *Online Political Advertising: Disclaimers and Policy Issues*, by R. Sam Garrett.

[32] This section authored by Gary Guenther.

[33] P.L. 94-435.

Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA).[34] (The budget request included the same restriction.)

Like the budget request, the Senate-passed version of H.R. 6147 would have provided the FTC with a total budget of $309.7 million. This assumed, as in the House version of the bill, that the FTC would collect $136 million in HSR filing fees and $17 million in DNR fees, leaving a direct appropriation of $156.7 million. As with the House version of the bill, none of the funds could have been used to implement FTC's full responsibilities under Section 151 of the FDICIA.

In the 116th Congress, P.L. 116-6 provided the FTC with a total budget of $309.7 million. This assumes that the FTC will collect $136 million in HSR filing fees and $17 million in DNR fees, leaving a direct appropriation of $156.7 million. As with the 115th Congress bills, none of the funds can be used to implement FTC's full responsibilities under Section 151 of the FDICIA. (H.R. 21 and H.R. 641 contained identical provisions.)

General Services Administration[35]

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

GSA's real property activities are funded through the Federal Buildings Fund (FBF). The FBF is a revolving fund into which rental payments are deposited from federal agencies that lease GSA space. The fund's revenue is then made available by Congress each year to pay for specific activities: construction or purchase of new space, repairs and alterations to existing space, rental payments for space that GSA leases, installment payments, and other building operations expenses. These amounts are referred to as *limitations* because GSA may not obligate FBF funds in excess of that permitted by Congress, regardless of how much revenue is available for obligation. Certain debts may also be paid for with FBF funds. A negative total for the FBF occurs when the amount of funds made available for expenditure in a fiscal year is less than the amount of new revenue expected to be deposited. A negative total does not mean that no funds are available from the FBF, but that there is a net gain to the fund under the proposed spending levels.

GSA's operating accounts are funded through direct appropriations, separate from the FBF. GSA's total funding amount is calculated by adding the net FBF appropriations made available and appropriations provided to the operating accounts. **Table 4** details GSA's enacted amounts for FY2018, the President's FY2019 request, and the FY2019 amounts from H.R. 6147 as passed by the House and the Senate.

[34] P.L. 102-242; Section 151 requires nonfederally insured depository institutions to disclose in "certain locations, documents, and advertising" that their deposits are not federally insured. Under the act, the FTC has been responsible for prescribing the manner and content for such disclosures. Since the adoption of the FDICIA, however, the commission has been barred through the appropriations riders from implementing this rule.

[35] This section authored by Garrett Hatch.

Table 4. General Services Administration (GSA) Appropriations, FY2018-FY2019

(millions of dollars)

Account	FY2018 Enacted	FY2019 Request	House-Passed H.R. 6147	Senate-Passed H.R. 6147	House-Passed H.R. 21	House-Passed H.R. 648	FY2019 Enacted
Federal Buildings Fund	**-750**	**0**	**-1,509**	**-498**	**-498**	**-285**	**-847**
Limitations on Availability of Revenue	9,074	10,132	8,623	9,633	9,633	9,847	9,285
New Construction	*692*	*1,338*	*276*	*1,080*	*1,521*	*959*	
Repairs and Alterations	*666*	*910*	*680*	*890*	*663*	*663*	
Rental of Space	*5,494*	*5,430*	*5,418*	*5,419*	*5,419*	*5,419*	
Building Operations	*2,222*	*2,253*	*2,248*	*2,244*	*2,244*	*2,244*	
Installment Acquisition Payments	—	*200*	—	—	—	—	
Rental Income to Fund	-9,951	-10,132	-10,132	-10,132	-10,132	-10,132	-10,132
Emergency Supplemental	127	—	—	—	—	—	—
Operating Accounts	**335**	**551**	**432**	**267**	**267**	**299**	**299**
Government-wide Policy	54	66	60	58	59	60	60
Operating Expenses	46	49	49	49	49	49	49
Civilian Board Contract Appeals	9	9	9	9	9	9	9
Office of Inspector General	65	67	67	67	67	65	65
Federal Citizens Services Fund	50	58	55	55	55	55	55
Former Presidents	5	5	5	5	5	5	5
President's Management Council Workforce Fund	—	50	—	—	—	—	—
Technology Modernization Fund	100	210	150	—	—	25	25

Account	FY2018 Enacted	FY2019 Request	House-Passed H.R. 6147	Senate-Passed H.R. 6147	House-Passed H.R. 21	House-Passed H.R. 648	FY2019 Enacted
Asset Proceeds and Space Management Fund	5	31	31	16	16	25	25
Environmental Review Improvement Fund	1	6	6	6	6	6	6
Rescissions	—	—	—	—	—	—	—
Total	**-416**	**552**	**-1,077**	**-233**	**-232**	**15**	**-547**

Sources: 115th Congress: H.R. 6147, H.Rept. 115-792, H.Rept. 115-706, and S.Rept. 115-281. 116th Congress: H.R. 21, H.R. 648, H.Rept. 116-9, and P.L. 116-6.

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

As shown in **Table 4**, the President proposed a limit of $10.132 billion from the FBF's available revenue for GSA's real property activities for FY2019, an increase of $1.058 billion more than the amount provided in FY2018.

In the 115th Congress, the House-passed H.R. 6147 included a limit of $8.623 billion, a decrease of $451 million from FY2018-enacted appropriations and $1.509 billion less than the President's request for FY2019. The Senate-passed H.R. 6147 included a limit of $9.633 billion, $559 million more than the FY2018-enacted amount and $499 million less than the President requested.

In the 116th Congress, H.R. 21 would have provided a limit of $9.633 billion, whereas H.R. 648 would have provided a limit of $9.847 billion. P.L. 116-6 ultimately included a limit of $9.285 billion.

The President also requested $551 million for GSA's operating accounts, an increase of $216 million more than the FY2018-enacted level. The President's request included $31 million for the Asset Proceeds and Space Management Fund (APSMF). Appropriations in the APSMF are to be used to carry out actions pursuant to the recommendations of the Public Buildings Reform Board, which was established by the Federal Assets Sale and Transfer Act of 2016 (FASTA).[36] The President's request also included $6 million for the Environmental Review Improvement Fund, which would support activities related to reforming the environmental review process and the work of the Federal Permitting Improvement Steering Council. The council addresses issues surrounding modernization of federal permitting for major infrastructure projects and helps implement the FASTA. Finally, the President requested $210 million for the Technology Modernization Fund to support improvements in agency information technology systems.

In the 115th Congress, the House-passed H.R. 6147 included $432 million for GSA's operating accounts, $97 million more than the FY2018-enacted amounts and $119 million less than the President requested. The Senate-passed H.R. 6147 included $267 million for GSA's operating accounts, $68 million less than the FY2018-enacted amounts and $284 million less than the President requested.

In the 116th Congress, H.R. 21 would have provided $267 million for GSA's operating accounts, and H.R. 648 would have provided $299 million. P.L. 116-6 ultimately appropriated $299 million for GSA's operating accounts.

Independent Agencies Related to Personnel Management Appropriations

The Financial Services and General Government (FSGG) Appropriations Act 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 FY2018 enacted appropriations, the FY2019 budget request, the FY2019 House-passed H.R. 6147, and the FY2019 Senate-passed H.R. 6147.

[36] P.L. 114-287.

Table 5. Independent Agencies Related to Personnel Management Appropriations, FY2018-FY2019

(millions of dollar)

Agency	FY2018 Enacted	FY2019 Request	House-Passed H.R. 6147	Senate-Passed H.R. 6147	House-Passed H.R. 21	House-Passed H.R. 648	FY2019 Enacted
Federal Labor Relations Authority (FLRA)	26	26	26	26	26	26	26
Merit Systems Protection Board (MSPB, total)	47	44	47	47	47	47	47
Salaries and Expenses	*44*	*42*	*44*	*44*	*44*	*44*	*44*
Limitation on Administrative Expenses	*2*	*2*	*2*	*2*	*2*	*2*	*2*
Office of Personnel Management (OPM, total)	21,905.0	21,923.0	21,923.0	21,923.0	21,923.0	21,923.0	21,923.0
Salaries and Expenses	*129*	*132*	*132*	*132*	*132*	*132*	*132*
Limitation on Administrative Expenses	*131*	*133*	*133*	*133*	*133*	*133*	*133*
Office of Inspector General (OIG, salaries and expenses)	*5*	*5*	*5*	*5*	*5*	*5*	*5*
Office of Inspector General (limitation on administrative expenses)	*25*	*25*	*25*	*25*	*25*	*25*	*25*
OPM Discretionary Subtotal	***291***	***296***	***296***	***296***	***296***	***296***	***296***

Agency	FY2018 Enacted	FY2019 Request	House-Passed H.R. 6147	Senate-Passed H.R. 6147	House-Passed H.R. 21	House-Passed H.R. 648	FY2019 Enacted
Government Payments for Annuitants, Employee Health Benefits (mandatory, Title VI)	*13,202*	*13,519*	*13,519*	*13,519*	*13,519*	*13,519*	*13,519*
Government Payments for Annuitants, Employee Life Insurance (mandatory, Title VI)	*48*	*49*	*49*	*49*	*49*	*49*	*49*
Payment to Civil Service Retirement and Disability Fund (mandatory, Title VI)	*8,365*	*8,060*	*8,060*	*8,060*	*8,060*	*8,060*	*8,060*
OPM Mandatory Subtotal	***21,615***	***21,628***	***21,628***	***21,628***	***21,628***	***21,628***	***21,628***
Office of Special Counsel (OSC)	27	26	26	27	27	27	27

Sources: 115th Congress: P.L. 115-141, and Explanatory Statement, *Congressional Record*, vol. 164, March 22, 2018, pp. H1832, H1834-H1835, H1837, H2535, H2537, and H2539. U.S. Executive Office of the President, Office of Management and Budget, *Budget of the U.S. Government Fiscal Year 2019, Appendix* (Washington: GPO, Feb. 2018), pp. 1179-1180, 1190-1191, 1097-1107, and 1213-1214. FY2019 Congressional Justifications for FLRA, MSPB, OPM, and OSC. H.R. 6147, H.Rept. 115-792, H.Rept. 115-706, and S.Rept. 115-281. 116th Congress: H.R. 21, H.R. 648, H.Rept. 116-9, and P.L. 116-6.

Notes: All figures are rounded, and columns may not sum due to rounding.
The payments for health benefits, life insurance, and civil service retirement and disability are mandatory appropriations. Appropriations bills have generally provided "the amounts required under current law" for these accounts, with P.L. 115-141 containing this language. For FY2019 (as in FY2012, FY2013, and FY2014 in the House bill, and FY2015, FY2016, FY2017, and FY2018 in the House and Senate bills), the House Appropriations Committee did not include funding for these accounts in Title V of the FSGG bill, as it had in previous years. Instead funding for these accounts appeared in Title VI of the respective bills (Section 619(a)(3)-(5)).

Federal Labor Relations Authority[37]

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.[38] 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.[39] Agencies that are specifically excluded by law are the Federal Bureau of Investigation (FBI), Central Intelligence Agency (CIA), Government Accountability Office (GAO), National Security Agency (NSA), Tennessee Valley Authority (TVA), FLRA, Federal Service Impasses Panel (FSIP), and U.S. Secret Service.

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

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

For FY2019, the President requested appropriations of $26.2 million for the FLRA. This amount would fund 125 full-time equivalents (FTEs), 3 FTEs fewer than the FY2018 estimated level of 128 FTEs.[40] In the 115th Congress, H.R. 6147 as passed by the House and the Senate would have provided the same amount as the President requested. In the 116th Congress, both H.R. 21 and H.R. 648 included the same $26.2 million, as did the enacted P.L. 116-6.

Merit Systems Protection Board[41]

The Merit Systems Protection Board (MSPB) is an independent, quasi-judicial agency established to protect the civil service merit system.[42] The MSPB adjudicates appeals primarily involving personnel actions, certain federal employee complaints, and retirement benefits issues.

The President's budget requested FY2019 appropriations of $44.5 million (including $42.1 million for salaries and expenses) for the MSPB. This amount would fund 235 FTEs, the same as the FY2018 enacted level. The justification that accompanied the MSPB budget submission explained that the request "reflects the FTE level at 235; however, MSPB's revised FTE level is 226 to coincide with the personnel compensation and benefits decrease in [the] Congressional

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

[38] P.L. 95-454.

[39] 5 U.S.C. §7103.

[40] U.S. Federal Labor Relations Authority, *Congressional Budget Justification Fiscal Year 2019*, February 2018, p. 13.

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

[42] The Merit Systems Protection Board's (MSPB's) authorization expired on September 30, 2007 (5 U.S.C. §5509). H.R. 6391, the Merit Systems Protection Board Reauthorization Act of 2018, as ordered to be reported by the House Committee on Oversight and Government Reform on July 17, 2018, would have reauthorized the agency through FY2023.

Budget Justification submission."[43] It stated that, with the requested funding level, the agency would "continue [its] efforts to maintain MSPB resources dedicated primarily to our Title 5 statutory responsibilities of processing appeals from Federal employees involving, among others, adverse actions, whistleblower claims and veterans concerns, and issuing study reports related to the civil service."[44]

In the 115th Congress, H.R. 6147 as passed by the House and the Senate would have provided funding of $46.8 million (including $44.5 million for salaries and expenses). This amount is $2.3 million more than the President requested.

In the 116th Congress, both H.R. 21 and H.R. 648 included $46.8 million for the MSPB, as did the enacted P.L. 116-6.

Office of Personnel Management[45]

The Office of Personnel Management (OPM) is responsible for the personnel management of the federal government's civil service. The President's budget requested FY2019 appropriations of $132.2 million for OPM salaries and expenses. This amount included $14 million to remain available until expended for information technology (IT) infrastructure modernization and Trust Fund Federal Financial System migration or modernization. It also included $639,018 to strengthen the capacity and capabilities of the acquisition workforce, including the recruitment, hiring, training, and retention of the acquisition workforce, and to modernize IT in support of acquisition workforce effectiveness or management.[46] The budget also requested appropriations of $133.5 million for trust fund transfers, $5 million for OPM OIG salaries and expenses, and $25.3 million for OIG trust fund transfers for FY2019. OPM requested an FTE employment level of 6,255 for FY2019, a decrease of 108 FTEs from the FY2018 enacted level of 6,363 FTEs.[47]

The agency's budget submission stated that the request "will enable OPM to continue to address critical information technology (IT) infrastructure and investments necessary to maintain its security posture and respond to changing business needs and Federal mandates."[48] In addition, the request is to allow the OPM OIG to conduct "agency-wide audits, investigations, evaluations, and administrative sanctions which help to prevent and detect fraud, waste, abuse, and mismanagement" and continue to provide oversight for "OPM's agency-wide information technology (IT) infrastructure project, including data center consolidation and potential mainframe migrations."[49]

In the 115th Congress, H.R. 6147 as passed by the House and the Senate would have provided funding for OPM salaries and expenses,[50] trust fund transfers for salaries and expenses, OIG

[43] MSPB, *Congressional Budget Justification FY2019*, February 2018, p. 10.

[44] Ibid., p. 1.

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

[46] OMB, *Appendix, Budget of the United States, FY2019*, p. 1097.

[47] U.S. Office of Personnel Management (OPM), *Congressional Budget Justification and Annual Performance Plan Fiscal Year 2019*, February 2018, p. 11.

[48] OMB, *Appendix, Budget of the United States, FY2019*, p. 1097.

[49] Ibid., p. 1098.

[50] Of this amount, up to $14 million would remain available until September 30, 2020, for IT infrastructure modernization and Trust Fund Federal Financial System migration or modernization. The House-passed bill directed that the amount may not be obligated until the OPM Director submits an expenditure plan, prepared in consultation with the OMB Director, the Administrator of the United States Digital Service, and the Secretary of Homeland Security, to the House and Senate Appropriations Committees. It also specified the contents and requirements for the

salaries and expenses, and OIG trust fund transfers in the same amounts as requested by the President. In the 116th Congress, H.R. 21, H.R. 648, and the enacted P.L. 116-6 also included the requested amounts, which totaled $295.9 million.[51]

The 115th Congress reports that accompanied H.R. 6258 and S. 3107 included several directives to OPM as follows:[52]

Federal Retirement Processing Modernization—The House committee expressed the expectation that OPM will "continue to make retirement processing and disability processing a priority and move to a fully-automated electronic filing system." It directed OPM to continue to provide monthly reports to the House and Senate Appropriations Committees on progress in addressing backlogs. The Senate committee directed OPM to continue to provide information on progress made.

OPM Organizational Changes[53]—The House committee reminded OPM of the obligation to notify the House and Senate Appropriations Committees about "any reorganizations, restructurings, new programs or elimination of programs," including "changes that could impact the National Bureau of Investigations and the Human [Resources] Solutions program." The committee encouraged the OPM Inspector General (IG) "to keep a pulse on" and update the initiatives in reports to Congress.

Critical Functions—The House committee reminded OPM "to not lose sight of its mission" related to "directing human resources and employee management services, and administering retirement benefits, managing healthcare and insurance programs, overseeing merit-based and inclusive hiring in to the civil service, and providing a secure employment process" as the agency "responds to critical IT challenges."

Recruitment—The House committee encouraged OPM "to seek input from hiring managers on what challenges they face and what improvements could be made to make the federal hiring process more efficient and effective." It directed the agency to submit a report "on a plan to reduce barriers to Federal employment, reduce delays in the hiring process, and how it intends to improve the overall federal recruitment and hiring process," to the House and Senate Appropriations Committees within 90 days after the act's enactment. In addition, the committee encouraged federal agencies "to increase recruitment efforts within the United States and the territories and at Hispanic Serving Institutions and Historically Black Colleges and Universities."

Federal Pay—The House committee directed the OPM Director and the Chief Human Capital Officers Council to "track government-wide data to establish a baseline and analyze the extent to

expenditure plan. In addition, of the $132.2 million, the House- and Senate-passed bills would provide $639,018 to strengthen the capacity and capabilities of the acquisition workforce.

[51] Included in the funding for OPM salaries and expenses was $14 million to improve information technology security and infrastructure.

[52] U.S. House of Representatives, Committee on Appropriations, *Financial Services and General Government Appropriations Bill, 2019*, report to accompany H.R. 6258, 115th Cong., 2nd sess., H.Rept. 115-792 (Washington: GPO, June 28, 2018), pp. 63-65. U.S. Senate, Committee on Appropriations, *Financial Services and General Government Appropriations Bill, 2019*, report to accompany S. 3107, 115th Cong., 2nd sess., S.Rept. 115-281 (Washington: GPO, June 21, 2018), pp. 89-93.

[53] President Donald Trump submitted a government reform plan and reorganization recommendations in June 2018. One of the recommendations proposed reorganization of OPM. See, U.S. Executive Office of the President, Office of Management and Budget, *Delivering Government Solutions in the 21st Century: Reform Plan and Reorganization Recommendations*, June 21, 2018, at https://www.whitehouse.gov/omb/management/government-reform/ and https://www.whitehouse.gov/wp-content/uploads/2018/06/Government-Reform-and-Reorg-Plan.pdf.

which" special pay "authorities are effective in improving employee recruitment and retention, and determine what potential changes may be needed to improve" their "effectiveness."

Federal Telework Programs—Stating its support for "cost savings and productivity improvements from well-managed telework programs," the House committee urged the federal sector to "continue to track successes, compile best practices, and expand upon telework programs where appropriate." The Senate committee encouraged OPM to work with agencies to improve data collection methods, provide training on effective teleworking, set goals for telework results, and prepare progress assessments.

National Background Investigations Bureau (NBIB)—The Senate committee directed OPM and the bureau to provide quarterly updates to the House and Senate Appropriations Committees on developments in transitioning responsibility for Department of Defense (DOD) background investigations to DOD, and OPM's assessment of the transition's impact and implications on the agency.

Official Time—The Senate committee directed OPM to "assist agencies in strengthening internal controls and increasing transparency and accountability for monitoring and reporting on" official time.

Information Technology (IT Modernization)—The Senate committee directed OPM to implement recommendations made in GAO and IG reports on information security and provide quarterly briefings to the House and Senate Appropriations Committees on its progress on the IT Transformation and Cybersecurity Strategy.

Trust Fund Federal Financial System (FFS)—The Senate committee directed OPM to provide a spending plan to the House and Senate Appropriations Committees "for the $18,400,000 dedicated to the FFS initiative; the options the agency is pursuing to modernize FFS; and a timeline for completion of the modernization of FFS," within 30 days of the act's enactment.

Federal Security Clearances—The Senate committee referenced the Title VI general provision that prevents "contractors from conducting quality reviews of their own work" and directed OPM to "ensure that internal controls are implemented to prevent investigations from being closed prematurely."

OIG's Semiannual Report to Congress—The Senate committee encouraged the semiannual report to include "OPM's efforts to improve and address cybersecurity challenges including 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."

The 116th Congress conference report (H.Rept. 116-9) did not change any of these committee directives. The conference report included the following additional directive to OPM.

Relocation of Human Resources Solutions (HRS)—The conference committee directed OPM to submit a report to the House and Senate Appropriations Committees within 30 days after the act's enactment on "the budgetary implications of moving HRS to [the General Services Administration] (GSA) and the legal authority under which it proposes to transfer the HRS function within the OPM Revolving Fund established by 5 U.S.C. §1304(e)(1) to GSA." The

conferees directed OPM "to provide quarterly updates to the Committees on the status of the HRS program relocation and any other OPM program and office relocations."[54]

Section 619(a)(3), (4), and (5) of H.R. 6147 as passed by the House and the Senate in the 115th Congress would have provided the mandatory appropriations for the health benefits, life insurance, and retirement accounts. According to the House Committee on Appropriations report that accompanied H.R. 6258, "these are accounts where authorizing language requires the payment of funds." The House report stated that the Congressional Budget Office (CBO) estimated $13.5 billion for the Government Payment for Annuitants, Employee Health Benefits; $49 million for the Government Payment for Annuitants, Employee Life Insurance; and $8 billion for Payment to the Civil Service Retirement and Disability Fund.[55] In the 116th Congress, H.R. 21, H.R. 648, and the enacted P.L. 116-6 included identical sections, resulting in a total of $21.628 billion in outlays.

Office of Special Counsel[56]

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 applicants from prohibited personnel practices, especially reprisal for whistleblowing.[57]

The President's budget requested FY2019 appropriations of $26.3 million for the OSC. The agency's FTE employment level was estimated to be 144 for FY2019, an increase of 13 FTEs above the FY2018 enacted level of 131 FTEs.[58] "For 2018 and 2019," the agency projected "intakes for whistleblower disclosure, Hatch Act, and prohibited personnel practice cases to follow recent trends and stabilize at around 6,000 total new cases received each year." The funding was requested to "enable OSC to meet rising demand for [the agency's] services, protect the growing number of whistleblowers in the VA [Veterans Affairs] and other agencies, protect the employment rights of returning service members, manage continually rising case levels, and protect the federal merit system from prohibited personnel and political practices."[59]

In the 115th Congress, H.R. 6147 as passed by the House would have provided the funding requested by the President. As passed by the Senate, H.R. 6147 would have provided funding of $26.5 million, $283,000 more than the President's request. In the 116th Congress, H.R. 21, H.R. 648, and the enacted P.L. 116-6 included $26.5 million in funding for the OSC.

The 115th Congress Senate committee report that accompanied S. 3107 included the following directive:

Veterans Affairs (VA) Cases—Noting the significant increase in cases over the past several fiscal years and that "three-fourths of OSC's whistleblower disclosures that are substantiated in full or in part are from the VA," the committee expressed the expectation that, as the agency "continues

[54] H.Rept. 116-9, p. 678.

[55] H.Rept. 115-792, p. 101.

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

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

[58] U.S. Office of Special Counsel, *Congressional Budget Justification and Performance Budget Goals Fiscal Year 2019*, February 2018, p. 15.

[59] OMB, *Appendix, Budget of the United States, FY2019*, p. 1214.

to move toward a more cohesive internal structure through its 'One OSC' initiative," personnel resources could be allocated more effectively to address the caseload.[60]

The 116th Congress conference report (H.Rept. 116-9) did not change this directive.

National Archives and Records Administration[61]

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

The Administration requested $376.8 million for NARA for FY2019.[62] In the 115th Congress, H.R. 6147 as passed by the House would have appropriated $390.7 million, whereas H.R. 6147 as passed by the Senate would have appropriated $393.4 million. In the 116th Congress, H.R. 21 would have appropriated $393.4 million, whereas H.R. 648 would have appropriated $391.3 million. P.L. 116-6 appropriated $391.3 million. Approximately $27.2 million of NARA's funding is dedicated to paying down debt due to the construction of the Archives II facility, resulting in lower net total figures appearing in the committee reports.[63]

National Credit Union Administration[64]

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), established in 1979, to assist officially designated *low-income* credit unions in providing basic financial services to low-income communities. Low-interest loans and grants are made available to assist these credit unions. Loans are normally repaid in five years, although shorter repayment periods may be considered. Grants have been provided for a variety of purposes including improving operations and technical assistance. In addition to funds provided for specifically in appropriations acts, earnings generated from the CDRLF may be available to fund loans or grants. In the 115th Congress, the President requested no money be appropriated for the CDRLF in FY2019, whereas House-passed H.R. 6147 and Senate-passed H.R. 6147 would both have appropriated $2 million, the same amount as appropriated in FY2018. In the 116th Congress, H.R. 21 and H.R. 648 both included $2 million, as did the enacted P.L. 116-6.

[60] S.Rept. 115-281, pp. 93-94.

[61] This section authored by Meghan Stuessy.

[62] National Archives and Records Administration, *FY2019 Congressional Justification*, p. 2, at https://www.archives.gov/files/about/plans-reports/performance-budget/fy2019-performance-budget.pdf.

[63] This repayment of principal is due to the construction of the Archives II facility.

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

Office of Government Ethics[65]

The Office of Government Ethics (OGE) is an independent federal agency, established by the Ethics in Government Act of 1978, charged with promulgating rules and regulations pertaining to financial disclosure, conflict of interest, and ethics in the executive branch.[66]

OGE is headed by a director who is appointed to a five-year term by the President with Senate confirmation. OGE provides education and training to executive branch ethics officials. According to OGE, it "does not adjudicate complaints, investigate matters within the jurisdiction of Inspectors General and other authorities, or prosecute ethics violations."[67]

For FY2019, the President's request for OGE was $16.3 million, a $0.1 million decrease from the FY2018 enacted amount. In the 115th Congress, the House-passed H.R. 6147 would have appropriated $17 million and the Senate-passed H.R. 6147 would have appropriated $16.4 million. In the 116th Congress, H.R. 21 would have appropriated $16.4 million, whereas H.R. 648 would have appropriated $17 million. P.L. 116-6 ultimately appropriated $17 million for OGE.

Privacy and Civil Liberties Oversight Board[68]

The Privacy and Civil Liberties Oversight Board (PCLOB) was originally established in 2004 by the Intelligence Reform and Terrorism Prevention Act[69] as an agency within the Executive Office of the President.[70] PCLOB was reconstituted as an independent agency within the executive branch by the Implementing Recommendations of the 9/11 Commission Act of 2007.[71] The five-member board assumed its new status on January 30, 2008; its FY2009 appropriation was its first funding as an independent agency.

The board is directed to (1) ensure that privacy and civil liberties concerns are appropriately considered in the development and implementation of laws, regulations, and executive branch policies related to protecting the nation against terrorism; (2) review the implementation of laws, regulations, and executive branch policies related to protecting 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 directed 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 the board's activities during the year. Upon request, board members appear and testify before congressional committees.

For FY2019, the President requested $5 million for the PCLOB, compared with $8 million appropriated in FY2018. In the 116th Congress, the House-passed H.R. 6147 and the Senate-

[65] This section authored by Jacob Straus.

[66] 5 U.S.C. Appendix §§401-408.

[67] Office of Government Ethics (OGE), "Mission & Responsibilities," *About*, at https://www2.oge.gov/web/oge.nsf/Mission%20and%20Responsibilities.

[68] This section authored by Garrett Hatch.

[69] P.L. 108-458.

[70] 118 Stat. 3638 at 3684.

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

passed H.R. 6147 both included the requested $5 million, as did H.R. 21 and H.R. 648 in the 116th Congress. The enacted P.L. 116-6 appropriated the requested $5 million for the PCLOB.

Public Company Accounting Oversight Board[72]

The Public Company Accounting Oversight Board (PCAOB)[73] was created by the Sarbanes-Oxley Act of 2002 (Sarbanes-Oxley)[74] as a nonprofit corporation to provide independent oversight of audits of companies listed on public exchanges. Amendments in the Dodd-Frank Act provided that the PCAOB is generally funded outside the appropriations process through the annual accounting support fees assessed on public companies and other issuers, as well as fees on brokers and dealers registered with the SEC.

Sarbanes-Oxley created a merit scholarship for undergraduate and graduate students enrolled in accredited accounting degree programs that was to be funded by monetary penalties imposed by the PCAOB, notwithstanding other requirements of the act. The scholarship program is administered by an outside vendor under the rules established by the PCAOB.[75] For FY2018, P.L. 115-141, Division B, Section 620 specified that not more than $1 million should be spent on such scholarships. In the 115th Congress, Section 620 of the Senate-passed version of H.R. 6147 would have provided for an "amount not exceeding the amount of funds collected by the Board as of December 31, 2018, including accrued interest, as a result of the assessment of monetary penalties" for these scholarships in FY2019. The committee report on this language estimated this amount at $1 million. The Administration did not submit any funding request for these scholarships in FY2019, nor was any included in H.R. 6147 as passed by the House.

In the 116th Congress, H.R. 21, H.R. 648, and the enacted P.L. 116-6 all include the same Section 620 language noted above, and H.Rept. 116-9 attributes the same $1 million in spending resulting from it in FY2019.

Securities and Exchange Commission[76]

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

The President's FY2019 request for the SEC totaled $1.699 billion, with $40.8 million of that intended for lease costs for the relocation of the SEC's New York Regional Office headquarters. In the 115th Congress, H.R. 6147 as passed by the House would have appropriated a total of $1.696 billion, as would H.R. 6147 as passed by the Senate; both would have included $37.2 million for leasing the new headquarters. In the 116th Congress, H.R. 21 would have appropriated

[72] This section authored by Raj Gnanarajah.

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

[74] P.L. 107-204; 15 U.S.C. §7219.

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

[76] This section authored by Gary Shorter.

$1.696 billion, whereas H.R. 648 would have appropriated $1.712 billion. P.L. 116-6 appropriated $1.712 billion, including $37.3 million for the New York Regional Office lease.

In addition to amounts approved in the regular appropriations process, the Dodd-Frank Act also established an SEC reserve fund to enable the agency to plan for certain long-term expenses, potentially freeing up other funds for agency use in areas such as enforcement and regulation. The reserve fund is funded by the agency's traditional collections on registration fees. In any single fiscal year, the fund cannot exceed $100 million nor can the SEC collect more than $50 million in fees for the fund. Any excess collections go to the Department of the Treasury.

For FY2019, the President requested $25 million be rescinded from the reserve fund. In the 115th Congress, neither H.R. 6147 as passed by the House nor H.R. 6147 as passed by the Senate would have rescinded any monies from the reserve fund. In the 116th Congress, the House-passed bills did not include such rescission language and neither did the enacted P.L. 116-6.

Selective Service System[77]

The Selective Service System (SSS) is an independent federal agency operating with permanent authorization under the Military Selective Service Act.[78] It is not part of the Department of Defense, but its mission is to serve the military's emergency manpower needs by conscripting personnel when directed by Congress and the President. Most males aged 18 through 25 and living in the United States are required to register with the SSS. The induction of men into the military via Selective Service (i.e., the draft) terminated in 1973 and has not been renewed. In January 1980, President Carter asked Congress to authorize standby draft registration of both men and women. Congress approved funds for male-only registration in June 1980. Women are now allowed to serve in combat units and occupations, which may lead to the modification of registration to include women.[79]

SSS's funding has remained relatively stable over previous years in terms of absolute dollars, but it has decreased in terms of inflation-adjusted funding. For FY2019, the President requested $26.4 million in funding. The 115th Congress House-passed and Senate-passed versions of H.R. 6147 would have appropriated $26 million, and the same amount was included in the 116th Congress H.R. 21 and H.R. 648. P.L. 116-6 appropriated $26 million for SSS. This represents a $3.1 million increase over the $22.9 million appropriated for SSS in FY2018.

Small Business Administration[80]

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

[77] This section authored by Kristy Kamarck.

[78] 50 U.S.C. §§3801 et seq.

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

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

owners; (4) oversees several small business federal contracting programs, and (5) serves as an advocate for small business within the federal government.

The President requested an appropriation of $834.1 million for the SBA for FY2019 ($628.9 million if recommended increases in fees and a $50 million rescission is approved). The request included $265 million for salaries and expenses, $192.5 million for entrepreneurial development and noncredit programs, $155.2 million for business loan administration, $4 million for business loan subsidy costs, $21.9 million for the Office of the Inspector General, $9.1 million for the Office of Advocacy, and $186.5 million for disaster assistance. The Administration also requested authorization levels of $30 billion for the 7(a) loan guaranty program, $7.5 billion for the 504/CDC loan guaranty program, $4 billion for the Small Business Investment Company (SBIC) program, and $12 billion for SBA-guaranteed trust certificates for the SBIC program.[81]

In addition, the Administration requested a number of program revisions, including (1) authorization to increase SBA loan guarantee program levels that are established in the act and do not require budget authority by not more than 15% after notifying, in writing, the Committees on Appropriations and Small Business of both houses of Congress at least 15 days in advance; (2) a permanent rescission of $50 million in prior year unobligated subsidy balances from the 504/CDC loan guarantee program; (3) an "update" of fee structures to offset $155 million in business loan administration expenses, including increases in the 7(a) loan guarantee program's upfront and annual servicing fees; and (4) an increase in the SBAExpress program's maximum loan amount from $350,000 to $1 million.

The 115th Congress House-passed H.R. 6147 would have appropriated $741.88 million for the SBA for FY2019, $92.2 million less than the Administration's request. Of the appropriated amount, $268.5 million was for salaries and expenses, $251.9 million was for entrepreneurial development and noncredit programs, and $31.308 million was for disaster assistance. The remaining budget account amounts, authorization levels, and rescission followed the request. The House-passed bill also would have repealed an expedited disaster assistance program authorized under the Food, Conservation, and Energy Act of 2008.[82] It would not have authorized the SBA to increase loan guarantee program authorization levels beyond those established in the act, nor authorized changes to SBA fee structures, nor increased the SBAExpress program's maximum loan amount.

The 115th Congress Senate-passed H.R. 6147 would have appropriated $699.3 million for the SBA for FY2019, $134.8 million less than the Administration's request. Of the appropriated amount, $267.5 million was for salaries and expenses, $241.6 million was for entrepreneurial development and noncredit programs, and no funding was provided for disaster assistance.[83] The remaining budget account amounts and authorization levels followed the request. It did not address the rescission, authorize the SBA to increase loan guarantee program authorization levels beyond those established in the act, increase SBA fee structures, or increase the SBAExpress program's maximum loan amount.

The Senate-passed H.R. 6147 would have prohibited SBA assistance to businesses headquartered in the People's Republic of China or for which more than 25% of the company's voting stock is owned by affiliates that are citizens of the People's Republic of China; required the SBA to study whether the provision of matchmaking services with various outside entities would enhance

[81] OMB, *Appendix, Budget of the United States, FY2019*, pp. 1109-1118.

[82] P.L. 110-246.

[83] The Senate report accompanying the bill indicated that no funds were provided for SBA disaster assistance administration because, as of May 31, 2018, the SBA had $580 million available in unobligated no-year funds for that purpose.

existing SBA veterans entrepreneurship programs; and required the SBA to work with federal agencies to review each Office of Small and Disadvantaged Business Utilization's efforts to comply with the requirements under Section 15(k) of the Small Business Act (relating to assisting small businesses obtain federal contracts).

In the 116th Congress, P.L. 116-6 appropriated $715.37 million for the SBA, $134.8 million less than the Administration's request (with the difference primarily due to lower appropriations for disaster assistance). The act provided $267.5 million for salaries and expenses, $247.7 million for entrepreneurial development and noncredit programs, $155.15 million for business loan administration, $4 million for business loan credit subsidies (for the Microloan program), $21.9 million for Office of Inspector General, $9.12 million for the Office of Advocacy, and $10 million for disaster assistance.

The act also set authorization levels of $30 billion for the 7(a) loan guaranty program, $7.5 billion for the 504/CDC loan guaranty program, $4 billion for the Small Business Investment Company (SBIC) program, and $12 billion for SBA-guaranteed trust certificates for the SBIC program, as requested by the Trump Administration. In addition, the act included a permanent rescission of $50 million in prior-year unobligated subsidy balances from the 504/CDC loan guarantee program, repealed the expedited disaster assistance loan program, and established a System Modernization and Working Capital Fund (IT WCF) to, among other goals, improve, retire, or replace existing information technology systems to enhance cybersecurity and transition to other innovative commercial platforms and technologies. The SBA was authorized to transfer, after receiving advance approval of the House and Senate Committees on Appropriations, not more than 3% of its funding under the salaries and expenses and business loans program accounts to the IT WCF. The amounts transferred to the IT WCF shall remain available for obligation through September 30, 2022.

United States Postal Service[84]

The U.S. Postal Service (USPS) generates almost all of its funding—nearly $70 billion annually—by charging mail users for the costs of the services it provides.[85] Congress, however, does provide annual appropriations to compensate USPS for revenue it forgoes in providing free mailing privileges to the blind[86] and overseas voters.[87] Congress authorized appropriations for these purposes in the 1993 Revenue Forgone Reform Act (RFRA).[88] This act also permitted Congress to provide USPS with a $29 million annual reimbursement until 2035 to compensate for lost revenue providing additional below-cost postal services during the RFRA's phase-in period.[89]

[84] This section authored by Michelle Christensen. See CRS Report RS21025, *The Postal Revenue Forgone Appropriation: Overview and Current Issues*, by Michelle D. Christensen.

[85] U.S. Postal Service (UPSP), *2017 Annual Report, SEC Form 10-K*, November 14, 2017, p. 40, at http://about.usps.com/who-we-are/financials/10k-reports/fy2017.pdf.

[86] 84 Stat. 757; 39 U.S.C. §3403. See also USPS, *Mailing Free Matter for Blind and Visually Handicapped Persons: Questions and Answers*, Publication 347, October 2015, at http://about.usps.com/publications/pub347/pub347_v03_revision_102015.htm.

[87] 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).

[88] 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 Michelle D. Christensen.

[89] Ibid. During the phase-in period—1991 to 1998—the USPS continued to provide below-cost postage to certain mailers (e.g., nonprofit organizations). See USPS, *2017 Annual Report, SEC Form 10-K*, November 14, 2017, p. 71.

Funds appropriated to the USPS for the annual reimbursement and revenue forgone are deposited in the Postal Service Fund (PSF), which is an off-budget revolving fund comprised of revenue from the sale of postal products and services.[90] The PSF 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).[91]

The Postal Accountability and Enhancement Act (PAEA), which was enacted on December 20, 2006, first affected the postal appropriations process in FY2009. Under the PAEA, both the USPSOIG and the PRC must submit their budget requests directly to Congress and to OMB.[92] The law requires that funding for these two agencies must be provided out of the Postal Service Fund.[93] 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.[94]

Table 6 summarizes the different appropriations for the USPS.

[90] 39 U.S.C. §2003; U.S. Office of Management and Budget, Circular No. A-11, "Preparation, Submission, and Execution of the Budget: Section 20—Terms and Concepts," June 2018, p. 40, at https://www.whitehouse.gov/wp-content/uploads/2018/06/a11.pdf.

[91] Ibid. 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 https://www.prc.gov/about.

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

[93] Ibid.

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

Table 6. United States Postal Service Appropriations, FY2018-FY2019

(millions of dollars)

Agency	FY2018 Enacted	FY2019 Request	House-Passed H.R. 6147	Senate-Passed H.R. 6147	House-Passed H.R. 21	House-Passed H.R. 648	FY2019 Enacted
USPS Payment into the Postal Service Fund *(annual appropriation)*	58.1	55.2	58.1	55.2	55.2	55.2	55.2
PRC *(via transfer from Postal Service Fund)*	15.2	15.1	15.2	15.2	15.2	15.2	15.2
USPSOIG *(via transfer from Postal Service Fund)*	245.0	234.7	250.0	250.0	250.0	250.0	250.0

Sources: 115th Congress: H.R. 6147, H.Rept. 115-792, H.Rept. 115-706, and S.Rept. 115-281. 116th Congress: H.R. 21, H.R. 648, H.Rept. 116-9, and P.L. 116-6.

Payment to the Postal Service Fund for Revenue Forgone

For FY2019, the President requested $55.2 million for the Postal Service Fund, which is about $2.9 million less than the USPS's FY2018 appropriation. In the 115th Congress, H.R. 6147 as passed by the House would have appropriated 58.1 million, whereas H.R. 6147 as passed by the Senate would have appropriated $55.2 million. In the 116th Congress, H.R. 21, H.R. 648, and the enacted P.L. 116-6 included $55.2 million for the Postal Service Fund.

U.S. Postal Service Office of Inspector General

For FY2019, the President requested $234.7 million for the USPSOIG, which is about $10.4 million less than the USPSOIG's FY2018 appropriation.[95] In the 115th Congress, H.R. 6147 as passed by the House and as passed by the Senate would both have appropriated $250 million.[96] In the 116th Congress, H.R. 21, H.R. 648, and the enacted P.L. 116-6 included $250 million for the USPSOIG.

Postal Regulatory Commission

For FY2019, the President requested $15.1 million for the PRC, which is about $0.1 million less than the PRC's FY2018 appropriation.[97] In the 115th Congress, both the House- and Senate-passed versions of H.R. 6147 would have appropriated $15.2 million, the same as the PRC's FY2018 appropriation.[98] In the 116th Congress, H.R. 21, H.R. 648, and the enacted P.L. 116-6 included $15.2 million for the PRC.

USPS Policy Provisions

The President's FY2019 Budget contained several "operational reforms to reduce costs and improve revenue," including

- discontinuing six-day mail delivery and reducing delivery frequency to five days where there is a business case to do so;
- allowing USPS to shift to centralized and curbside delivery where appropriate;
- authorizing a one-time postal rate increase; and
- ensuring flexibility of the rate-setting process.[99]

In the 115th Congress, the House-passed and Senate-passed versions of H.R. 6147 included several long-standing postal policy provisions. For example, the bills both would have

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

[95] OMB, *Appendix, Budget of the United States, FY2019*, p. 1218; P.L. 115-141. Pursuant to P.L. 109-435, the USPS requested $245.4 million for the USPSOIG, which is $10.7 million more than the President's request.

[96] H.R. 6147, H.Rept. 115-792, p. 74; S.Rept. 115-281, p. 258.

[97] OMB, *Appendix, Budget of the United States, FY2019*, p. 1219; P.L. 115-141.

[98] H.R. 6147, H.Rept. 115-792, p. 65; S.Rept. 115-281, p. 247.

[99] OMB, *Appendix, Budget of the United States, FY2019*, p. 1218.

- prohibited funds from being used to consolidate or close small rural and other small post offices.

In the 116th Congress, H.R. 21, H.R. 648, and the enacted P.L. 116-6 included the same long-standing postal policy provisions as the House- and Senate-passed versions of H.R. 6147, but did not include the policy reforms requested in the President's FY2019 Budget.

United States Tax Court[100]

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

The USTC was appropriated $50.7 million in FY2018. The President requested $55.6 million for FY2019. In the 115th Congress, both the House- and Senate-passed versions of H.R. 6147 would have appropriated $51.5 million. In the 116th Congress, H.R. 21, H.R. 648, and the enacted P.L. 116-6 included $51.5 million for the USTC.

General Provisions Government-Wide[101]

The FSGG Appropriations Act includes general provisions applying government-wide. Most of the provisions include language that has appeared under the General Provisions title for several years because Congress has decided to reiterate the language rather than make the provisions permanent. An Administration's proposed government-wide general provisions for a fiscal year are generally included in the Budget Appendix.[102] Among the new provisions proposed for FY2019 were the following:

- If new budget authority provided in FY2019 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[103] because of estimating differences with CBO, the OMB Director will make an adjustment to the FY2019 discretionary spending limit in such category in the amount of the excess. The total of all such adjustments would not exceed 0.2% of the sum of the adjusted FY2019 discretionary spending limits for all categories. (Section 736, FY2019 budget proposal, Section 745 of H.R. 6147 as passed by the House, Section 748 of H.R. 6147 as passed by the Senate, Section 748 of H.R. 21 as passed by the House, Section 747 of H.R. 648 as passed by the House, and Section 747 of P.L. 116-6.)

[100] This section authored by Garrett Hatch.

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

[102] For FY2019, the provisions are listed in OMB, *Appendix, Budget of the United States, FY2019*, pp. 7-10.

[103] P.L. 99-177.

- The head of a covered agency[104] that has established an Information Technology System Modernization and Working Capital Fund (IT Fund)[105] may transfer funds appropriated in this or any other act that become available upon or after this act's enactment date to such agency's IT Fund for the purposes specified in Section 1077 of P.L. 115-91. Requirements for notification about the transfer apply. Amounts transferred to an agency's IT Fund would remain available for three fiscal years. (Section 737 of the FY2019 budget proposal. Not included in H.R. 21 as passed by the House, H.R. 648 as passed by the House, and P.L. 116-6.)
- None of the funds made available by this act could be used to implement, administer, or enforce a rule issued pursuant to Section 13(p) of the Securities Exchange Act of 1934, which requires the SEC to promulgate rules requiring issuers with conflict minerals that are necessary to the functionality or production of a product manufactured by such person to disclose annually whether any of those minerals originated in the Democratic Republic of the Congo or an adjoining country. (Section 747 of H.R. 6147 as passed by the House. Not included in H.R. 21 as passed by the House, H.R. 648 as passed by the House, and P.L. 116-6.)
- A pay adjustment of 1.9% for 2019 was authorized for federal civilian employees paid under the General Schedule, allocated as 1.4% base pay adjustment and 0.5% locality pay adjustment. (Section 749 of H.R. 6147 as passed by the Senate, Section 749 of H.R. 21 as passed by the House, Section 748 of H.R. 648 as passed by the House, Section748 of P.L. 116-6.)

Cuba Sanctions[106]

The Department of the Treasury's Office of Foreign Assets Control (OFAC) administers the main body of Cuba embargo regulations, the Cuban Assets Control Regulations, which were first issued in 1963, and have been amended many times over the years to reflect changes in U.S. policy toward Cuba.[107]

In the 115th Congress, H.R. 6147 as passed by the House included two FSGG provisions in Division B that would have tightened U.S. economic sanctions on Cuba. Section 128 provided that no funds made available by the act could have been used to approve, license, facilitate, authorize, or otherwise allow the use, purchase, trafficking, or import of property confiscated by the Cuban government. The provision appears to have been aimed at prohibiting the importation of rum and tobacco products by authorized U.S. travelers as accompanied baggage.

[104] The Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, Treasury, Veterans Affairs, Environmental Protection Agency, National Aeronautics and Space Administration, Agency for International Development, General Services Administration, National Science Foundation, Nuclear Regulatory Commission, Office of Personnel Management, Small Business Administration, and Social Security Administration.

[105] The Information Technology System Modernization and Working Capital Fund (IT Fund) is established under Division A, Title X, Section 1077(b)(1) of H.Rept. 115-91, National Defense Authorization Act for FY2018, enacted on December 12, 2017, 131 Stat. 1283, at 1587; 40 U.S.C. §11301 note.

[106] This section authored by Mark P. Sullivan. For additional information, see CRS Report R45657, *Cuba: U.S. Policy in the 116th Congress*, by Mark P. Sullivan and CRS Report R44822, *Cuba: U.S. Policy in the 115th Congress*, by Mark P. Sullivan.

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

Section 129, which relates to trade sanctions on Cuba, provided that no funds made available by the act could have been used to authorize a general license or approve a specific license with respect to a mark, trade name, or commercial name that is substantially similar to one that was used in connection with a business or assets that were confiscated by the Cuban government unless the original owner expressly consented. The provision, which would have prohibited OFAC from licensing the payment of trademark registration fees, relates to a long-standing dispute between a Cuban company and the Bermuda-based Bacardi Limited over the Havana Club trademark. In January 2016, OFAC issued a specific license for the Cuban company to make payments related to the renewal of the Havana Club trademark, and the U.S. Patent and Trademark Office subsequently renewed the Havana Club trademark until 2026.

Both Cuba provisions had been included in House Appropriations Committee version of the FY2018 FSGG appropriations bill, H.R. 3280, but were not included in the Consolidated Appropriations Act, 2018 (P.L. 115-141).

H.R. 6147 as passed by the Senate did not include either Section 128 or Section 129.

In the 116th Congress, neither H.R. 21 nor H.R. 648 included either section and nor did the enacted P.L. 116-6.

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