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

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

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SUMMARY

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,
- Small Business Administration (SBA), and
- United States Postal Service (USPS).

President Trump submitted his FY2019 budget request on February 12, 2018. The 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).

The House Committee on Appropriations reported a Financial Services and General Government Appropriations Act, 2019 (H.R. 6258, H.Rept. 115-792) on June 28, 2018. Total FY2019 independent agencies funding in the reported bill would be $1.2 billion, with another $255 million for the CFTC included in the Agriculture appropriations bill (H.R. 5961, H.Rept. 115-706). The combined total of $1.4 billion would be about $1.6 billion below the President's FY2019 request, with the largest difference in the funding for the GSA.

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. 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 21, 2018. Independent agency funding in S. 3107 totaled $2.3 billion, about $0.7 billion below the President's FY2019 request, with the largest difference in the funding for the GSA. The Senate passed a version of H.R. 6147 on August 1, 2018, including the text of S. 3107 as Division B of the amendment in the nature of a substitute (S.Amdt. 3399).

No full-year FY2019 FSGG bill was enacted prior to the end of FY2018. The FSGG agencies were provided continuing appropriations until December 7, 2018, in Division C of P.L. 115-245.

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Introduction

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

This report focuses on funding for those independent agencies in Title V of the FSGG appropriations bill. It also addresses general provisions that apply government-wide, which appear in Title VII, and provisions on Cuba sanctions, which 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.[1]

The FSGG bill occasionally addresses other issues, particularly those involving financial regulation, in additional titles.[2] 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.[3]

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

President Trump submitted his FY2019 budget request on February 12, 2018. The request included a total of $3 billion for independent agencies funded through the FSGG appropriations bill, including $282 million for the CFTC. [4] The overall request also included a $3 billion savings within the FSGG bill due to proposed transfer authority in Section 737, but did not break down the impact of Section 737 on the independent agencies.[5]

The House Committee on Appropriations reported a Financial Services and General Government Appropriations Act, 2019 (H.R. 6258, H.Rept. 115-792) [6] on June 28, 2018. Total FY2019

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

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

[3] 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.

[4] 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.

[5] U.S. Office of Management and Budget (OMB), *Budget of the United States Government, Fiscal Year 2019, Appendix* (Washington DC: U.S. Government Publishing Office, 2016), p. 10. Savings estimate from 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,

funding for the FSGG independent agencies in the reported bill would be approximately $1.2 billion, 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 be about $1.6 billion below the President's FY2019 request, with the largest difference in the funding for the General Services Administration (GSA).

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.[8] 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 21, 2018. Independent agency funding in S. 3107 totaled $2.3 billion, about $0.7 billion below the President's FY2019 request, with the largest difference in the funding for 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.

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 provides for continuing appropriations at FY2018 levels for the FSGG independent agencies until a full FY2019 FSGG bill is passed or until December 7, 2018, whichever comes first.[9]

Table 1 reflects the status of FSGG appropriations measures at key points in the appropriations process. **Table 2** lists the broad amounts requested by the President and included in the various FSGG bills. Specific columns in **Table 2** are the enacted amounts for FY2018, the President's FY2019 request, the FY2019 amounts from H.R. 6147 as passed by the House, and H.R. 6147 as passed by the Senate.

2018).

[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] 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.

[9] The one named exception to this is the Small Business Administration, which 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).

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

Subcommittee Markup							Final Adoption		
House	Senate	House Report	House Passage	Senate Report	Senate Passage	Conference Report	House	Senate	Enact-ment
5/24/18	6/19/18	6/28/18 (H.R. 6258)	7/19/18 (H.R. 6147)	6/21/18 (S. 3107)	8/1/18 (H.R. 6147)	—	—	—	—

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	FY2019 House-Passed	FY2019 Senate-Passed	FY2019 Enacted
Department of the Treasury	12,156	12,678	13,643	12,701	—
Executive Office of the President	726	350	731	729	—
The Judiciary	7,553	7,662	7,704	7,689	—
District of Columbia	721	658	737	703	—
Independent Agencies	4,744	2,959	1,427	2,305	—
Mandatory Retirement Accounts	21,800	21,818	21,818	21,818	—
Total	**48,150**	**49,125**	**45,934**	**45,944**	—

Sources: H.R. 6147, H.Rept. 115-792, H.Rept. 115-706, and S.Rept. 115-281.

Notes: Totals for each column include funding for the Commodity Futures Trading Commission (CFTC). CFTC funding is considered in the House through the Agriculture appropriations bill and in the Senate through the FSGG bill. The amount included from the Agriculture appropriations bill (H.R. 5961) was reported from committee, but has not passed the House. Figures are net reflecting rescissions and offsetting collections. The mandatory spending for the President's salary is contained in Title VI, Section 619 whereas the rest of presidential spending is in Title II. The Mandatory Retirement Accounts amount stems from Title VI, Section 619. Title VI, Section 620 of the Senate bill, but not the House bill, includes $1 million for Public Company Accounting Oversight Board scholarships, which is reflected under "Independent Agencies." The House bill's Title IX's legislative provisions would result in a $126 million savings, which is included in the House-passed total. The President requested a legislative provision (Section 737) that reduced the total FSGG amount by $3 billion. This is included in the total, but not in the individual figures for the FY2019 request. Totals may not sum due to rounding.

Independent Agencies

The FSGG appropriations bill provides funding for more than two dozen independent agencies, performing a wide range of functions. **Table 3** details FSGG independent agencies' enacted amounts for FY2018, the President's FY2019 request, the FY2019 amounts from H.R. 6147 as passed by the House, and H.R. 6147 as passed by the Senate.

Table 3. FSGG Independent Agencies Appropriations, FY2018-FY2019

(millions of dollars)

Agency	FY2018 Enacted	FY2019 Request	FY2019 House-Passed	FY2019 Senate-Passed	FY2019 Enacted
Administrative Conference of the United States	3.1	3.1	3.1	3.1	—
Commodity Futures Trading Commission[a]	249.0	281.5	255.0	281.5	—
Consumer Product Safety Commission	126.0	123.5	127.0	126.0	—
Election Assistance Commission	390.1	9.2	10.1	9.2	—
Federal Communications Commission[b]	600.0	(333.1)	(355.1)	(333.1)	—
Federal Deposit Insurance Corporation: Office of Inspector General[c]	(39.1)	(43.0)	(43.0)	(43.0)	—
Federal Election Commission	71.3	71.3	71.3	71.3	—
Federal Labor Relations Authority	26.2	26.2	26.2	26.2	—
Federal Trade Commission	164.3	156.7	158.7	156.7	—
General Services Administration[d]	-416.0	551.8	-1,076.5	-232.6	—
Harry S Truman Scholarship Foundation	1.0	—	1.0	1.0	—
Merit Systems Protection Board	46.8	44.5	46.8	46.8	—
Morris K. Udall Foundation	5.3	5.1	—	5.1	—
National Archives and Records Administration[e]	378.2	349.6	363.5	366.2	—
National Credit Union Administration	2.0	—	2.0	2.0	—
Office of Government Ethics	16.4	16.3	17.0	16.4	—
Office of Personnel Management (discretionary)	290.8	295.9	295.9	295.9	—
Office of Special Counsel	26.5	26.3	26.3	26.5	—
Postal Regulatory Commission	15.2	15.1	15.2	15.2	—
Privacy and Civil Liberties Oversight Board	8.0	5.0	5.0	5.0	—
Public Building Reform Board	5.0	2.0	2.0	—	—
Public Company Accounting Oversight Board Scholarships	1	—	—	1	—
Securities and Exchange Commission[b]	(1,896.5)	(1,699.1)	(1,695.5)	(1,695.5)	—
- SEC Reserve Fund Rescission	—	-25.0	—	—	—
Selective Service System	22.9	26.4	26.0	26.0	—
Small Business Administration	2,359.8	678.9	741.9	699.3	—

Agency	FY2018 Enacted	FY2019 Request	FY2019 House-Passed	FY2019 Senate-Passed	FY2019 Enacted
- SBA Prior Year Rescission	-2.6	-50.0	-50.0	—	—
United States Postal Service (USPS)	58.1	55.2	58.1	55.2	—
USPS Office of Inspector General	245.0	234.7	250.0	250.0	—
United States Tax Court	50.7	55.6	51.5	51.5	—
Total: Independent Agencies (net discretionary)	**4,744**	**3,108**	**1,427**	**2,305**	—

Sources: H.R. 6147, H.Rept. 115-792, H.Rept. 115-706, and S.Rept. 115-281.

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

a. CFTC funding is considered in the House through the Agriculture appropriations bill and in the Senate through the FSGG bill. The $255 million figure is from the committee reported version, as the bill has not passed the House to this point.

b. The Federal Communications Commission (FCC) and the Securities and Exchange Commission (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.

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

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

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

Commodity Futures Trading Commission[10]

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.

[10] 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.

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.[11] 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.[12] 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.[13]

The President requested $281.5 million for the CFTC in FY2019, an increase of $32.5 million from FY2018. H.R. 5961 as reported by the House Agriculture Committee, which has not been considered by the full House, would appropriate $255 million, whereas H.R. 6147 as passed by the Senate would appropriate $281.5 million.

Consumer Product Safety Commission[14]

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

The 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 provide $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 bar 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 are met. First, the National Academy of Sciences (in consultation with the Department of Defense and National Highway Traffic Safety Administration) has 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 have been "delivered" to the House and Senate Appropriations

[11] P.L. 111-203.

[12] 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.

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

[14] This section authored by Gary Guenther.

Committees, the Senate Committee on Commerce, Science, and Transportation, and the House Committee on Energy and Commerce.

H.R. 6147 as passed by the Senate would give the commission $126 million in appropriations, or $2.5 million less than the budget request. It includes the same administrative provision (Section 501) dealing with ORVs as the House version of H.R. 6147.

Election Assistance Commission[15]

The Election Assistance Commission (EAC) was established under the Help America Vote Act of 2002 (HAVA).[16] The commission provides grant funding to states to meet HAVA requirements and for election reform programs; provides for testing and certifying voting machines; publishes studies of election issues; and promulgates voluntary guidelines for voting systems standards with respect to HAVA's requirements. Although the commission was not given new rulemaking authority under HAVA, the law transferred responsibilities for the National Voter Registration Act (NVRA),[17] including rulemaking authority, from the Federal Election Commission (FEC) to the EAC. The Department of Justice has enforcement responsibility under HAVA.

The President's budget request for FY2019 included $9.2 million for the EAC. H.R. 6147 as passed by the House would appropriate $10.1 million whereas H.R. 6147 as passed by the Senate would appropriate $9.2 million.

Federal Communications Commission[18]

The Federal Communications Commission (FCC) is an independent federal agency established by the Communications Act of 1934 and is charged with regulating interstate and international communications by radio, television, wire, satellite, and cable. 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.[19]

For FY2019, the FCC requested a budget of $333.1 million, all to be derived from regulatory fees. H.R. 6147 as passed by the House would appropriate $355.1 million, whereas H.R. 6147 as passed by the Senate would appropriate $333.1 million.

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

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

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

[18] This section authored by Patricia Moloney Figliola.

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

Federal Deposit Insurance Corporation's Office of the Inspector General[20]

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. H.R. 6147 as passed by the House and H.R. 6147 as passed by the Senate would both appropriate the requested $43 million.

Federal Election Commission[21]

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.[22] The agency does so through educational outreach, rulemaking, enforcement and litigation, and advisory opinion issuances. The FEC also administers the presidential public financing system.[23]

For FY2019, the agency requested $71.3 million.[24] H.R. 6147 as passed by the House and H.R. 6147 as passed by the Senate would appropriate 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 version would prohibit 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.
- Section 630 of the House-passed version would prohibit spending appropriated funds to enforce a FECA provision known as the "prior approval" rule.[25] This

[20] 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.

[21] 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.

[22] 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*.

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

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

[25] 52 U.S.C. §30118(b)(4)(D).

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 version would prohibit reporting certain political contributions or expenditures as a condition of the government-contracting process. The Senate-passed bill retains this language in Section 735.

Federal Trade Commission[26]

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,[27] and (3) Do-Not-Call (DNC) Registry fees.

Under the President's FY2019 budget request, the FTC would receive $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 would go to activities intended to protect consumers, and the remaining 45% would be used to promote competition in domestic markets.

H.R. 6147 as passed by the House would set the FTC's total budget in FY2019 at $311.7 million, or $2 million above the budget request. This assumes that the agency will 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 may be used to carry out its full responsibilities under Section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICA).[28] (The budget request includes the same restriction.)

Like the budget request, the Senate-passed version of H.R. 6147 provides the FTC with a total budget of $309.7 million. This assumes, as in the House version of the bill, 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 House version of the bill, none of the funds can be used to implement FTC's full responsibilities under section 151 of the FDICA.

General Services Administration[29]

The General Services Administration (GSA) administers federal civilian procurement policies pertaining to the construction and management of federal buildings, disposal of real and personal

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[26] This section authored by Gary Guenther.

[27] P.L. 94-435.

[28] P.L. 102-242; Section 151 requires non-federally 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.

[29] This section authored by Garrett Hatch.

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.

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

(millions of dollars)

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

Account	FY2018 Enacted	FY2019 Request	FY2019 House-Passed	FY2019 Senate-Passed	FY2019 Enacted
Technology Modernization Fund	100	210	150	—	
Asset Proceeds and Space Management Fund	5	31	31	16	
Environmental Review Improvement Fund	1	6	6	6	
Rescissions	—	—	—	**—**	
Total	**-416**	**552**	**-1,077**	**-233**	

Sources: H.R. 6147, S.Rept. 115-281, H.Rept. 115-792.

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. The House-passed bill 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 bill included a limit of $9.633 billion, $559 million more than the FY2018-enacted amount and $499 million less than the President requested.

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).[30] 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 help implement the FASTA. Finally, the President requested $210 million for the Technology Modernization Fund to support improvements in agency information technology systems.

The House-passed bill 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 bill included $267 million for GSA's operating accounts, $68 million less than the FY2018-enacted amounts and $284 million less than the President requested.

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.

[30] P.L. 114-287.

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

(millions of dollars)

Agency	FY2018 Enacted	FY2019 Request	FY2019 House–Passed	FY2019 Senate–Passed	FY2019 Enacted
Federal Labor Relations Authority (FLRA)	26	26	26	26	
Merit Systems Protection Board (MSPB, total)	47	44	47	47	
Salaries and Expenses	*44*	*42*	*44*	*44*	
Limitation on Administrative Expenses	*2*	*2*	*2*	*2*	
Office of Personnel Management (OPM, total)	21,905.0	21,923.0	21,923.0	21,923.0	
Salaries and Expenses	*129*	*132*	*132*	*132*	
Limitation on Administrative Expenses	*131*	*133*	*133*	*133*	
Office of Inspector General (OIG, salaries and expenses)	*5*	*5*	*5*	*5*	
Office of Inspector General (limitation on administrative expenses)	*25*	*25*	*25*	*25*	
OPM Discretionary Subtotal	***291***	***296***	***296***	***296***	
Government Payments for Annuitants, Employee Health Benefits (mandatory, Title VI)	*13,202*	*13,519*	*13,519*	*13,519*	
Government Payments for Annuitants, Employee Life Insurance (mandatory, Title VI)	*48*	*49*	*49*	*49*	

Agency	FY2018 Enacted	FY2019 Request	FY2019 House–Passed	FY2019 Senate–Passed	FY2019 Enacted
Payment to Civil Service Retirement and Disability Fund (mandatory, Title VI)	*8,365*	*8,060*	*8,060*	*8,060*	
OPM Mandatory Subtotal	***21,615***	***21,628***	***21,628***	***21,628***	
Office of Special Counsel (OSC)	27	26	26	27	

Sources: 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.Rept. 115-792 and S.Rept. 115-281. H.R. 6147, as passed by the House and the Senate.

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)(4)(5)).

Federal Labor Relations Authority[31]

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.[32] 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.[33] 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

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

[32] P.L. 95-454.

[33] 5 U.S.C. §7103.

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 less than the FY2018 estimated level of 128 FTEs.[34] H.R. 6147 as passed by the House and the Senate would provide the same amount as the President requested.

Merit Systems Protection Board[35]

The Merit Systems Protection Board (MSPB) is an independent, quasi-judicial agency established to protect the civil service merit system.[36] 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 Budget Justification submission."[37] 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."[38]

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

Office of Personnel Management[39]

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.[40] The budget also requested appropriations of $133.5 million for trust fund transfers, $5 million for OIG salaries and expenses, and $25.3

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

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

[36] The Merit Systems Protection Board's (MSPB's) authorization expired on September 30, 2007 (5 U.S.C. §5509). H.R. 6391, 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 reauthorize the agency through FY2023.

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

[38] Ibid., p. 1.

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

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

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.[41]

The agency's budget submission stated that the request "will enable OPM to continue to address critical information technology (IT) infrastructure and investments necessary to maintain its security posture and respond to changing business needs and Federal mandates."[42] In addition, the request is to allow the 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."[43]

H.R. 6147 as passed by the House and the Senate would provide funding for OPM salaries and expenses,[44] trust fund transfers for salaries and expenses, OIG salaries and expenses, and OIG trust fund transfers in the same amounts as requested by the President.

The reports that accompanied H.R. 6258 and S. 3107 included several directives to OPM as follows: [45]

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—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 "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."

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

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

[43] Ibid., p. 1098.

[44] 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 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.

[45] 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.

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 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 Inspector General (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."

Office of Inspector General's (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."

Section 619(a)(3), (4), and (5) of H.R. 6147 as passed by the House and the Senate would provide 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.[46]

Office of Special Counsel[47]

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.[48]

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.[49] "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 requested funding was said to "enable OSC to meet rising demand for [the agency's] services, protect the growing number of whistleblowers in the VA [Veterans Affairs] and other agencies, protect the employment rights of returning service members, manage continually rising case levels, and protect the federal merit system from prohibited personnel and political practices."[50]

H.R. 6147 as passed by the House would provide the funding requested by the President. As passed by the Senate, H.R. 6147 would provide funding of $26.5 million, $283,000 more than the President's request.

The 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 to move toward a more cohesive internal structure through its 'One OSC' initiative," personnel resources could be allocated more effectively to address the caseload.[51]

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

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

[48] 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.

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

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

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

National Archives and Records Administration[52]

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

The Administration requested $376.8 million for NARA for FY2019.[53] H.R. 6147 as passed by the House would appropriate $376.8 million, whereas H.R. 6147 as passed by the Senate would appropriate $375.9 million.[54]

National Credit Union Administration[55]

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. The President requested no money be appropriated for the CDRLF in FY2019, whereas House-passed H.R. 6147 and the Senate-passed H.R. 6147 bills would both appropriate $2 million, the same amount as appropriated in FY2018.

Office of Government Ethics[56]

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.[57]

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 the OGE, it "does not adjudicate complaints, investigate matters within the jurisdiction of Inspectors General and other authorities, or prosecute ethics violations."[58]

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[52] This section authored by Meghan Stuessy.

[53] 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.

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

[55] 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.

[56] This section authored by Jacob Straus.

[57] 5 U.S.C. Appendix §§401-408.

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

For FY2019, the President's request for OGE was $16.3 million, a $0.1 million decrease from the FY2018 enacted amount. The House-passed H.R. 6147 would appropriate $17 million and the Senate-passed H.R. 6147 would appropriate $16.4 million.

Privacy and Civil Liberties Oversight Board[59]

The Privacy and Civil Liberties Oversight Board (PCLOB) was originally established in 2004 by the Intelligence Reform and Terrorism Prevention Act[60] as an agency within the Executive Office of the President.[61] PCLOB was reconstituted as an independent agency within the executive branch by the Implementing Recommendations of the 9/11 Commission Act of 2007.[62] 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 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 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. The House-passed H.R. 6147 and the Senate-passed H.R. 6147 both included the requested $5 million.

Public Company Accounting Oversight Board[63]

The Public Company Accounting Oversight Board (PCAOB)[64] was created by the Sarbanes-Oxley Act of 2002 (Sarbanes-Oxley)[65] 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

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[59] This section was authored by Garrett Hatch.

[60] P.L. 108-458.

[61] 118 Stat. 3638 at 3684.

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

[63] This section authored by Raj Gnanarajah.

[64] 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.

[65] P.L. 107-204; 15 U.S.C. §7219.

administered by an outside vendor under the rules established by the PCAOB.[66] For FY2018, P.L. 115-141, Division B, Section 620 specified that not more than $1 million should be spent on such scholarships. For FY2019, Section 620 of the Senate-passed version of H.R. 6147 provides 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. The committee report on this language estimates this amount at $1 million. The Administration did not submit any funding request for these scholarships in FY2019, nor is any included in H.R. 6147 as passed by the House.

Securities and Exchange Commission[67]

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 Treasury Department. 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 $1.70 billion, with $37 million of that intended for lease costs for the relocation of the SEC's New York Regional Office headquarters. H.R. 6147 as passed by the House would appropriate a total of $1.70 billion, whereas H.R. 6147 as passed by the Senate would also appropriate $1.70 billion; both included $37 million for leasing the new headquarters.

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 Treasury Department.

According to the House report, for FY2019, the President's requested $25 million be rescinded from the reserve fund.[68] Neither H.R. 6147 as passed by the House nor H.R. 6147 as passed by the Senate would rescind any monies from the reserve fund.

Selective Service System[69]

The Selective Service System (SSS) is an independent federal agency operating with permanent authorization under the Military Selective Service Act.[70] 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

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

[67] This section authored by Gary Shorter.

[68] H.Rept. 115-792, p. 125.

[69] This section authored by Kristy Kamarck.

[70] 50 U.S.C. §§3801 et seq.

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.[71]

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's requested $26.4 million in funding whereas both House-passed and Senate-passed versions of H.R. 6147 would appropriate $26 million. Either of these figures would represent an increase over the $22.9 million appropriated for FY2018.

Small Business Administration[72]

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

The President requested an appropriation of $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.[73]

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 House-passed bill would appropriate $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

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[71] 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.

[72] 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.

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

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 repealed an expedited disaster assistance program authorized under the Food, Conservation, and Energy Act of 2008.[74] It did not authorize the SBA to increase loan guarantee program authorization levels beyond those established in the act, did not authorize changes to SBA fee structures, and did not increase the SBAExpress program's maximum loan amount.

The Senate-passed bill would appropriate $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.[75] 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 bill would prohibit 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; require the SBA to study whether the provision of matchmaking services with various outside entities would enhance existing SBA veterans entrepreneurship programs; and require 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).

United States Postal Service[76]

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.[77] Congress, however, does provide annual appropriations to compensate USPS for revenue it forgoes in providing free mailing privileges to the blind[78] and overseas voters.[79] Congress authorized appropriations for these purposes in the 1993 Revenue Forgone Reform Act (RFRA).[80] This act also permitted Congress to provide USPS with a $29 million annual reimbursement until 2035 to compensate for

[74] P.L. 110-246.

[75] 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.

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

[77] 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.

[78] 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.

[79] 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).

[80] 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.

lost revenue providing additional below-cost postal services during the RFRA's phase-in period.[81] Funds appropriated to the USPS for the annual reimbursement and revenue forgone are deposited in the Postal Service Fund, which is a revolving fund at the Department of the Treasury that is used to pay the operating expenses of USPS, the U.S. Postal Service Office of Inspector General (USPSOIG), and the Postal Regulatory Commission (PRC).[82]

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.[83] The law requires that funding for these two agencies must be provided out of the Postal Service Fund.[84] 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.[85]**Table 6** summarizes the different appropriations for the USPS.

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

(millions of dollars)

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

Sources: H.R. 6147, H.Rept. 115-792, H.Rept. 115-706, and S.Rept. 115-281.

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. H.R. 6147 as passed by the House would appropriate 58.1 million, whereas H.R. 6147 as passed by the Senate would appropriate $55.2 million.

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81 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.

82 39 U.S.C. §2003. The Postal Regulatory Commission (PRC) is an independent agency responsible for regulatory oversight of the USPS, including USPS's compliance with applicable laws and its process for setting postal rates. See https://www.prc.gov/about.

83 P.L. 109-435; 120 Stat. 3240-3241.

84 Ibid.

85 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.

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.[86] H.R. 6147 as passed by the House and as passed by the Senate would both appropriate $250 million.[87]

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.[88] Both the House- and Senate-passed versions of H.R. 6147 would appropriate $15.2 million, which is the same as the PRC's FY2018 appropriation.[89]

USPS Policy Provisions

The President's FY2019 Budget includes 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.[90]

The House-passed and Senate-passed versions of H.R. 6147 include several long-standing postal policy provisions. For example, the bills both would

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

United States Tax Court[91]

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.

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[86] 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.

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

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

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

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

[91] This section was authored by Garrett Hatch.

The USTC was appropriated $50.7 million in FY2018. The President requested $55.6 million for FY2019. Both House- and Senate-passed versions of H.R. 6147 would appropriate $51.5 million.

General Provisions Government-Wide[92]

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.[93] Among the new provisions proposed for FY2019 are 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[94] 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, and Section 748 of H.R. 6147 as passed by the Senate.)
- The head of a covered agency[95] that has established an Information Technology System Modernization and Working Capital Fund (IT Fund)[96] 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.)
- 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.[97] (Section 747 of H.R. 6147 as passed by the House.)

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

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

[94] P.L. 99-177.

[95] 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.

[96] 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.

[97] More information in CRS Report R43639, *Conflict Minerals and Resource Extraction: Dodd-Frank, SEC Regulations, and Legal Challenges*, by Michael V. Seitzinger and Kathleen Ann Ruane (out-of-print, but available to

- A pay adjustment of 1.9% for 2019 would be authorized for federal civilian employees paid under the General Schedule and would be allocated as 1.4% base pay adjustment and 0.5% locality pay adjustment. (Section 749 of H.R. 6147 as passed by the Senate.)

Cuba Sanctions[98]

The Treasury Department's Office of Foreign Assets Control (OFAC) administers the main body of Cuba embargo regulations, the Cuban Assets Control Regulations, which were first issued in 1963, and have been amended many times over the years to reflect changes in U.S. policy toward Cuba.[99]

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

Section 129, which relates to trade sanctions on Cuba, would provide that no funds made available by the act could be 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 prohibit 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).

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congressional staff from the author).

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

[99] 31 C.F.R. Part 515.

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