

AMENDMENTS ADOPTED TO THE  
FINANCIAL SERVICES APPROPRIATIONS BILL  
FOR FY 2013

Full Committee Markup  
House Appropriations Committee  
Wednesday, June 20, 2012

#1

EMERSON  
MANAGER'S Amendment

ADOPTED V X

House Appropriations Committee

Fiscal Year 2013 Financial Services and General Government Appropriations Bill

Full Committee Mark Up

Managers' Amendment offered by Mrs. Emerson

In the Bill:

On page 6, line 5, strike "\$38,000,000" and insert "\$36,000,000".

On page 11, line 17 after "Committees on Appropriations" and insert ", the House Committee on Ways and Means, the Senate Committee on Finance,".

On page 12, line 15 after "Committees on Appropriations" and insert ", the House Committee on Ways and Means, the Senate Committee on Finance,".

On page 44, line 24 after "North Carolina" strike ",".

On page 68, line 12, strike "\$1,038,255,000" and insert "\$1,094,972,000".

On page 68, line 14, insert "building security," after "for".

On page 68, line 16, strike "\$1,103,588,000" and insert "\$1,046,871,000".

In the Report:

On page 4, strike "14 percent" and insert "15 percent".

On page 8, before the heading Office of Inspector General, insert the following:

"The Committee provides resources to the Department's Office of Terrorism and Financial Intelligence and the Financial Crimes Enforcement Network (FinCEN) to collect and analyze financial records in order to support the investigations of the U.S. intelligence and law enforcement communities. Ending the atrocities in Sudan should be a high priority for the Department. The Committee recommends that the Department and all parts of the U.S. Government, including the intelligence community, work closely together to deprive the Government of Sudan of the resources to repress the people of Sudan and South Sudan. Sharing relevant intelligence and analysis will help ensure that Sudan does not evade sanctions. Finally, the Committee recommends that the Department of the Treasury seek to strengthen the multilateral approach to enforcing and strengthening sanctions against Sudan internationally."

On page 18, before the heading “Operations Support”, insert the following:

The Committee notes that an advance notice of proposed regulation titled “Determination of Government Plan Status” may prohibit charter school teachers from participating in State retirement systems. The Committee appreciates the meeting that IRS held with representatives of charter schools in May and encourages the IRS to continue to elicit comments from the public.

On page 26, before the heading “Federal Drug Control Programs”, insert the following:

“The Committee directs the Office of National Drug Control Policy to develop a biennial Caribbean Border Counternarcotics Strategy, on terms equivalent to the existing Southwest Border Counternarcotics Strategy and the Northern Border Counternarcotics Strategy. This strategy shall be publicly available within 180 days of the date of enactment of this Act.”

On page 46, at the end insert the following:

*“Regulatory Fees.*—The offsetting collections provided for the FCC are to recover the costs of its regulatory activities including: enforcement activities, policy and rulemaking activities, user information services, and international activities as provided for in Section 9 of the Communications Act. The Committee understands that despite the dramatic changes that have occurred in the communications marketplace, the methodology the FCC currently uses to derive its regulatory fees is essentially the same as the one developed in 1994. The Committee notes there is longstanding broad and bipartisan support among Commissioners to update this methodology and is pleased the FCC recently issued a Notice of Proposed Rulemaking to address this issue. The Committee encourages the Commission to issue a Final Rule in time for next year's payments by regulated entities.”

On page 49, before the heading “General Services Administration”, insert the following:

“The Committee is concerned by the rising rate of money transfer crimes, referred to as grandparent scams or emergency scams, in which a victim is scammed into making a money transfer they believe is needed to help a relative or friend. Funds are often transferred out of the country and victims have little recourse in bringing charges or recovering their money. The Committee directs the Federal Trade Commission to issue a report to the Committee within 90 days after the date of enactment of this Act on its plan to better coordinate with foreign consumer protection and law enforcement departments to prevent money transfer crimes and identify and prosecute offenders.”

On page 49, strike "\$1,038,255,000" and insert "\$1,094,972,000" and strike "\$1,103,588,000" and insert "\$1,046,871,000".

On page 53, at the end of the first full paragraph insert the following:

"The Committee strongly recommends cost-sharing between GSA and the affected tenant agencies and expects the Office of Management and Budget to review cost-sharing plans."

On page 54 under the heading Building Operations and Maintenance, strike the table and insert the following:

<b>Limitations on Availability of Revenue:</b>	
Limitation on availability, fiscal year 2012* .....	\$1,119,097,000
Limitation on availability, budget estimate, fiscal year 2013* .....	1,149,210,000
Recommended in the bill .....	1,094,972,000
<b>Bill compared with:</b>	
Availability limitation, fiscal year 2012 .....	-24,125,000
Availability limitation, fiscal year 2013 request.....	-54,238,000

On page 54 under the heading Building Operations and Maintenance, insert "building security," after "such as".

On page 54 under the heading Building Operations and Maintenance, strike "\$1,038,255,000" and insert "\$1,094,972,000" and strike "five percent" and insert "4.7 percent".

On page 54 under the heading "Public Buildings Service, Salaries and Expenses", strike the table and insert the following:

<b>Limitations on Availability of Revenue:</b>	
Limitation on availability, fiscal year 2012* .....	\$1,213,871,000
Limitation on availability, budget estimate, fiscal year 2013* .....	1,250,948,000
Recommended in the bill .....	1,046,871,000
<b>Bill compared with:</b>	
Availability limitation, fiscal year 2012 .....	-185,000,000
Availability limitation, fiscal year 2013 request.....	-204,077,000

On page 54 under Public Buildings Service, strike "\$1,103,588,000" and insert "\$1,046,871,000" and strike "14 percent" and insert "15 percent".

On page 57, before the heading “Civilian Board of Contract Appeals”, insert:

***“Virtual Employees.—The Committee supports the goals of GSA’s Mobility and Telework Policy (GSA Order HCO 6040.1), but is concerned that weak controls over virtual and distributed work arrangements may have led to undesirable outcomes such as either excessive travel costs or poor employee oversight. The benefits of virtual and distributed work arrangements should accrue to the American public in the form of more efficient and effective services. The Committee directs GSA not later than 90 days after enactment of this Act to submit a report on virtual and distributed work arrangements, including their number by bureau and by regional and headquarters offices; how GSA measures and monitors their effect on productivity; how GSA holds employees and managers accountable for meeting performance standards; the cost of related travel, equipment, supplies, and services; and how information and data is safeguarded.”***

On page 72, at the end of the page insert the following:

***“Residential Mortgage-Backed Securities Working Group.—The Committee directs the SEC to report to the Committees on Appropriations the status of the Residential Mortgage-Backed Securities Working Group’s activities no later than 60 days after the enactment of this Act.”***

## House Appropriations Committee

## Fiscal Year 2013 Financial Services and General Government Appropriations Bill

## Amendment offered by Mrs. Emerson

In the bill:

On page 110, strike lines 19 through 25.

In the report:

On pages 45 and 46, strike the paragraph titled “*Political File Disclosure.*” and insert the following:

*Political File Disclosure.*—In April of 2012, the FCC promulgated a rule requiring broadcasters to post the contents of their political file online to a FCC-run database. Opposition was expressed to the FCC’s rule out of concern that placing sensitive pricing information on the Internet would distort the broadcasting marketplace and that broadcasters would be burdened with additional costs by having to upload this information to an FCC-run database. The Committee supports disclosure of political spending but has concerns that if there are multiple regulatory agencies maintaining on-line information about political spending that this may create confusion and waste resources. In order to understand the impact of the FCC ruling on the broadcasting market and on the operational costs of television stations and Federal Government, the Committee directs the Government Accountability Office (GAO) to analyze the implementation of this rule. At a minimum, their report shall include the following:

- (1) An analysis of the information maintained by the FCC compared to the information maintained by the Federal Election Commission to determine if there is duplication of costs incurred by the Federal Government for maintaining different systems for the purpose of reporting political spending and if there are benefits or shortfalls to the public of having multiple Federal regulatory agencies reporting political spending.
- (2) An analysis of the impact of requiring sensitive broadcaster pricing information be available on a FCC-run database, including whether this information has or can be used for price signaling or market manipulation.
- (3) An analysis of the impact on the operational costs of broadcasters of having to provide “immediate” updates to the FCC-run database each time a political file is updated.

GAO shall report their findings by no later than July 1, 2013. Not later than 30 days after GAO has submitted its analysis, the FCC shall report to the Appropriations Committees in the House and Senate and authorizing committees of jurisdiction on how they plan to address any concerns or recommendations suggested by GAO. No later than September 1, 2013, the FCC shall report to the Committees on Appropriations in the House and Senate and the authorizing committees of jurisdiction on actions they have taken as a result of any concerns or recommendations suggested by GAO.

On page 81, strike “Section 631.” through “political files.”

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WOLF

AGREED TO  
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**AMENDMENT TO FINANCIAL SERVICES AND  
GENERAL GOVERNMENT APPROPRIATIONS BILL  
OFFERED BY MR. WOLF OF VIRGINIA**

Insert at the end of title VI the following:

1       SEC. 634. (a) Section 207 of title 18, United States  
2 Code, is amended by adding at the end the following new  
3 subsection:

4       “(m) ADDITIONAL RESTRICTIONS RELATING TO  
5 FOREIGN ENTITIES.—

6           “(1) IN GENERAL.—In addition to the restric-  
7 tions contained in subsection (f), any person who  
8 serves in a position described in paragraph (2) and  
9 who, within 10 years after leaving that position,  
10 knowingly—

11           “(A) represents a foreign entity before any  
12 Member, officer, or employee of either House of  
13 Congress, or any officer or employee of a de-  
14 partment or agency of the executive branch,  
15 with the intent to influence a decision of such  
16 officer, employee, or Member, in his or her offi-  
17 cial capacity, or

18           “(B) aids or advises a foreign entity with  
19 the intent to influence a decision of any Mem-

1           ber, officer, or employee of either House of  
2           Congress, or any officer or employee of a de-  
3           partment or agency of the executive branch, in  
4           his or her official capacity,  
5       shall be punished as provided in section 216 of this  
6       title.

7           “(2) POSITIONS SUBJECT TO RESTRICTION.—

8                   “(A) IN GENERAL.—The positions referred  
9           to in paragraph (1) are the following:

10                           “(i) The President.

11                           “(ii) The Vice President.

12                           “(iii) A Member of Congress.

13                           “(iv) A covered appointee position.

14                   “(B) COVERED APPOINTEE POSITION.—

15       For purposes of this paragraph, an individual  
16       serves in a ‘covered appointee position’ if the  
17       individual serves—

18                           “(i) except as provided in clause (ii),  
19           in a position in an Executive agency to  
20           which the individual was appointed by the  
21           President, by and with the advice and con-  
22           sent of the Senate;

23                           “(ii) in a position that is held by an  
24           active duty commissioned officer of the  
25           uniformed services who is serving in a

1 grade or rank for which the pay grade (as  
2 specified in section 201 of title 37) is pay  
3 grade O-7 or higher; or

4 “(iii) in any of the following positions:

5 “(I) Deputy Director of National  
6 Intelligence.

7 “(II) Deputy Director of the  
8 Central Intelligence Agency.

9 “(III) Associate Deputy Director  
10 of the Central Intelligence Agency.

11 “(IV) The Director of the Na-  
12 tional Clandestine Service.

13 “(V) Chief of Station for the  
14 Central Intelligence Agency at an em-  
15 bassy or consulate of the United  
16 States.

17 “(3) LIMITATION TO COUNTRIES OF PAR-  
18 TICULAR CONCERN.—The limitations contained in  
19 paragraph (1) apply only with respect to a foreign  
20 entity in a country that is designated as a country  
21 of particular concern for religious freedom under  
22 section 402(b)(1)(A) of the International Religious  
23 Freedom Act of 1998 (22 U.S.C. 6442(b)(1)(A).

24 “(4) DEFINITIONS.—As used in this sub-  
25 section—

1           “(A) the term ‘Executive agency’ means an  
2           Executive agency as defined by section 105 of  
3           title 5, including the Executive Office of the  
4           President;

5           “(B) the term ‘Member of Congress’ has  
6           the meaning given that term in subsection  
7           (e)(9) of this section; and

8           “(C) the term ‘foreign entity’ means—

9                   “(i) the government of a foreign coun-  
10                  try as defined in section 1(e) of the For-  
11                  eign Agents Registration Act of 1938, as  
12                  amended; and

13                   “(ii) any entity owned or controlled,  
14                  in whole or in part, by the government of  
15                  a foreign country (as so defined).”.

16           (b) The amendment made by subsection (a) applies  
17           to any individual who leaves a position to which such  
18           amendment applies on or after the date of the enactment  
19           of this Act.



#6

1 1410 . 1  
Amendment to the bill

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**AMENDMENT TO FINANCIAL SERVICES  
APPROPRIATIONS BILL  
OFFERED BY MR. FLAKE OF ARIZONA  
[FY 2013]**

At the end of title VI of the bill, insert the following:

- 1 SEC. \_\_\_\_\_. None of the funds made available in this
- 2 Act may be used to provide a bonus to any employee of
- 3 the General Services Administration who is under inves-
- 4 tigation for misconduct.



MORAN  
AG NEED TO  
VV

**AMENDMENT TO FINANCIAL SERVICES  
APPROPRIATIONS BILL  
OFFERED BY MR. MORAN OF VIRGINIA**

In the last paragraph on page 46 of the Committee Report, insert before "In fiscal year 2012" the following: "However, the Committee encourages the FCC to work with the licensee to provide other spectrum to deploy broadband services while heeding previous concerns regarding potential interference to commercially available GPS devices."



#18

Nunnelee  
# 1

Added to  
28-20

**AMENDMENT TO FINANCIAL SERVICES  
APPROPRIATIONS BILL  
OFFERED BY MR. NUNNELEE OF MISSISSIPPI  
[FY 2013]**

Page 101, beginning on line 11, strike "under the  
Federal employees health benefits program".



#13

Lummis  
Agreed to  
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**AMENDMENT TO FINANCIAL SERVICES  
APPROPRIATIONS BILL  
OFFERED BY MRS. LUMMIS OF WYOMING**

At the appropriate place in the Committee Report under the heading "Federal Communications Commission", insert the following:

1       *Rate Rebalancing.*—The Committee is concerned that  
2 section 54.313(a)(10) of the FCC's rules (47 C.F.R.  
3 54.313(a)(10)), as amended in the Report and Order and  
4 Further Notice of Proposed Rulemaking (FCC 11-161)  
5 adopted on October 27, 2011, does not adequately address  
6 situations in which local exchange carriers have already  
7 rebalanced local residential telephone service rates pursu-  
8 ant to state laws or regulations. At least five states adopt-  
9 ed rate rebalancing structures prior to completion of the  
10 FCC's order. These early adopter states set in place a  
11 state rate-payer structure for basic local residential tele-  
12 phone service that meets the goals of the FCC's Universal  
13 Service Fund reform efforts. The Committee notes that  
14 as a result of the FCC's order, local exchange carriers in  
15 early adopter states must determine which laws and regu-  
16 lations to violate, state or federal, as they cannot comply  
17 with both. The Committee encourages the FCC to recon-

1 sider section 54.313(a)(10) to allow for an alternative cer-  
2 tification system that provides long-term relief to early  
3 adopter states, and takes into account capped, tariffed,  
4 or price-listed rates that have been approved or allowed  
5 by state legislatures or regulatory bodies in those states.

