

Amendments preprinted in the Congressional Record - (House of Representatives – July 14, 2014) H.R. 5016 - Financial Services and General Government Appropriations Act, 2015

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5016

Offered By: Mr. Fleming

AMENDMENT NO. 1: At the end of the bill (before the short title), insert the following:

Sec. __. None of the funds made available by this Act may be used to implement guidance FIN-2014-G001 (relating to BSA Expectations Regarding Marijuana-Related Businesses) issued on February 14, 2014.

H.R. 5016

Offered By: Mr. Meehan

AMENDMENT NO. 2: At the end of the bill, before the short title, insert the following:

Sec. __X. None of the funds made available in this Act may be used to modify or rebuild any portion of the White House bowling alley, including using phenolic synthetic material.

H.R. 5016

Offered By: Mr. Capuano

AMENDMENT NO. 3: Page 104, beginning on line 22, strike section 626.

H.R. 5016

Offered By: Mr. Bachus

AMENDMENT NO. 4: At the end of the bill (before the short title), insert the following:

Sec. __. None of the funds made available by this Act may be used to reinstall the Red Mountain sculpture on the plaza of the Hugo Black Courthouse in Birmingham, Alabama.

H.R. 5016

Offered By: Mr. Sessions

AMENDMENT NO. 5: Page 2, line 17, after the dollar amount, insert ``(reduced by \$1,750,000)''.

Page 152, line 15, after the dollar amount, insert ``(increased by \$1,750,000)''.

H.R. 5016

Offered By: Mr. Price of Georgia

AMENDMENT NO. 6: At the end of the bill (before the short title), insert the following:

Sec. __. None of the funds made available by this Act may be used in contravention of section 6103 of the Internal Revenue Code of 1986 (relating to confidentiality and disclosure of returns and return information).

H.R. 5016

Offered By: Mr. Lynch

AMENDMENT NO. 7: Page 5, line 22, after the dollar amount, insert ``(increased by \$3,339,000)".

Page 67, line 16, after the dollar amount, insert ``(reduced by \$3,339,000)".

Page 68, line 10, after the dollar amount, insert ``(reduced by \$1,669,500)".

Page 68, line 15, after the dollar amount, insert ``(reduced by \$1,669,500)".

Page 71, line 3, after the dollar amount, insert ``(reduced by \$1,669,500)".

H.R. 5016

Offered By: Ms. Waters

AMENDMENT NO. 8: Page 85, line 19, insert after the dollar amount insert the following: ``(increased by \$300,000,000)".

Page 86, line 16, insert after the dollar amount insert the following: ``(increased by \$300,000,000)".

H.R. 5016

Offered By: Ms. Waters

AMENDMENT NO. 9: Page 104, after line 21, insert the following:

Sec. __. Section 204 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-4) is amended by adding at the end the following new subsection:

``(e) *Inspection and Examination Fees.*--

``(1) **IN GENERAL.**--The Commission shall collect an annual fee from investment advisers that are subject to inspection or examination by the Commission under this title to defray the cost of such inspections and examinations.

``(2) **EXEMPTIONS FOR CERTAIN STATE-REGULATED INVESTMENT ADVISERS.**--No fees shall be collected under this subsection from any investment

adviser that is prohibited from registering with the Commission under section 203 by reason of section 203A.

``(3) FEE AMOUNTS.--

``(A) AMOUNT TO BE COLLECTED.--

``(i) IN GENERAL.--The Commission shall seek to ensure that the aggregate amount of fees collected under this subsection with respect to a specific fiscal year are equal to the estimated cost of the Commission in carrying out additional inspections and examinations for such fiscal year.

``(ii) ADDITIONAL INSPECTIONS AND EXAMINATIONS DEFINED.--For purposes of this subparagraph and with respect to a fiscal year, the term `additional inspections and examinations' means those inspections and examinations of investment advisers under this title for such fiscal year that exceed the number of inspections and examinations of investment advisers under this title conducted during fiscal year 2012.

``(B) FEE CALCULATION FORMULA.--The Commission shall establish by rulemaking a formula for determining the fee amount to be assessed against individual investment advisers, which shall take into account the following factors:

``(i) The anticipated costs of conducting inspections and examinations of investment advisers under this title, including the anticipated frequency of such inspections and examinations.

``(ii) The investment adviser's size, including the assets under management of the investment adviser.

``(iii) The number and type of clients of the investment adviser, and the extent to which the adviser's clients pay other fees established by the Commission, including registration and transaction fees.

``(iv) Such other objective factors, such as risk characteristics, as the Commission determines to be appropriate.

``(C) ADJUSTMENT OF FORMULA.--Prior to the end of each fiscal year, the Commission shall review the fee calculation formula and, if, after allowing for a period of public comment, the Commission determines that the formula needs to be revised, the Commission shall revise such formula before fees are assessed for the following fiscal year.

“(4) PUBLIC DISCLOSURES.--The Commission shall make the following information publicly available, including on the Web site of the Commission:

“(A) The formula used to determine the fee amount to be assessed against individual investment advisers, and any adjustment made to such formula.

“(B) The factors used to determine such formula, including any additional objective factors used by the Commission pursuant to paragraph (3)(B)(iv).

“(5) AUDIT.--

“(A) IN GENERAL.--The Comptroller General of the United States shall, every 2 years, conduct an audit of the use of the fees collected by the Commission under this subsection, the reviews of the formula used to calculate such fees, and any adjustments made by the Commission to such formula.

“(B) REPORT.--After conducting each audit required under subparagraph (A), the Comptroller General shall issue a report on such audit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

“(6) TREATMENT OF FEES.--

“(A) IN GENERAL.--Funds derived from fees assessed under this subsection shall be available to the Commission, without further appropriation or fiscal year limitation, to pay any costs associated with inspecting and examining investment advisers that are subject to inspection and examination under this title.

“(B) FUNDS NOT PUBLIC FUNDS.--Funds derived from fees assessed under this subsection shall not be construed to be Government or public funds or appropriated money. Notwithstanding any other provision of law, funds derived from fees assessed under this subsection shall not be subject to apportionment for the purpose of chapter 15 of title 31, United States Code, or under any other authority.

“(C) FUNDS SUPPLEMENTAL TO OTHER AMOUNTS.--Funds derived from fees assessed under this subsection shall supplement, and be in addition to, any other amounts available to the Commission, under a regular appropriation or otherwise, for the purpose described in subparagraph (A).”.