

Calendar No. 497

111TH CONGRESS
2^D SESSION

S. 3677

[Report No. 111–238]

Making appropriations for financial services and general government for the fiscal year ending September 30, 2011, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 29, 2010

Mr. DURBIN, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for financial services and general government for the fiscal year ending September 30, 2011, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for fi-
5 nancial services and general government for the fiscal year
6 ending September 30, 2011, and for other purposes,
7 namely:

1 TITLE I
2 DEPARTMENT OF THE TREASURY
3 DEPARTMENTAL OFFICES
4 SALARIES AND EXPENSES
5 (INCLUDING TRANSFERS OF FUNDS)

6 For necessary expenses of the Departmental Offices
7 including operation and maintenance of the Treasury
8 Building and Annex; hire of passenger motor vehicles;
9 maintenance, repairs, and improvements of, and purchase
10 of commercial insurance policies for, real properties leased
11 or owned overseas, when necessary for the performance
12 of official business, \$334,900,000, of which not to exceed
13 \$35,587,000 is for executive direction program activities;
14 not to exceed \$68,362,000 is for economic policies and
15 programs activities, including \$1,000,000 that shall be
16 transferred to the National Academy of Sciences for a
17 study by the Board on Mathematical Sciences and Their
18 Applications on the long-term economic effects of the
19 aging population in the United States, to remain available
20 until September 30, 2012; not to exceed \$84,912,000 is
21 for financial policies and programs activities; not to exceed
22 \$102,613,000 is for terrorism and financial intelligence
23 activities; and not to exceed \$43,426,000 is for Treasury-
24 wide management policies and programs activities: *Pro-*
25 *vided*, That the Secretary of the Treasury is authorized

1 to transfer funds appropriated for any program activity
2 of the Departmental Offices to any other program activity
3 of the Departmental Offices upon notification to the
4 House and Senate Committees on Appropriations: *Pro-*
5 *vided further*, That no appropriation for any program ac-
6 tivity shall be increased or decreased by more than 4 per-
7 cent by all such transfers: *Provided further*, That any
8 change in funding greater than 4 percent shall be sub-
9 mitted for approval to the House and Senate Committees
10 on Appropriations: *Provided further*, That of the amount
11 appropriated under this heading, not to exceed
12 \$3,000,000, to remain available until September 30, 2012,
13 is for information technology modernization requirements;
14 not to exceed \$200,000 is for official reception and rep-
15 resentation expenses; \$400,000 is to support increased
16 international representation commitments of the Sec-
17 retary; and not to exceed \$258,000 is for unforeseen emer-
18 gencies of a confidential nature, to be allocated and ex-
19 pended under the direction of the Secretary of the Treas-
20 ury and to be accounted for solely on his certificate: *Pro-*
21 *vided further*, That of the amount appropriated under this
22 heading, \$6,787,000, to remain available until September
23 30, 2012, is for the Treasury-wide Financial Statement
24 Audit and Internal Control Program, of which such
25 amounts as may be necessary may be transferred to ac-

1 counts of the Department's offices and bureaus to conduct
 2 audits: *Provided further*, That this transfer authority shall
 3 be in addition to any other provided in this Act: *Provided*
 4 *further*, That of the amount appropriated under this head-
 5 ing, \$500,000, to remain available until September 30,
 6 2012, is for secure space requirements: *Provided further*,
 7 That of the amount appropriated under this heading,
 8 \$1,100,000, to remain available until September 30, 2012,
 9 is for salary and benefits for hiring of personnel whose
 10 work will require completion of a security clearance inves-
 11 tigation in order to perform highly classified work to fur-
 12 ther the activities of the Office of Terrorism and Financial
 13 Intelligence: *Provided further*, That of the amount appro-
 14 priated under this heading, up to \$3,400,000, to remain
 15 available until September 30, 2013, is to develop and im-
 16 plement programs within the Office of Critical Infrastruc-
 17 ture Protection and Compliance Policy, including entering
 18 into cooperative agreements: *Provided further*, That of the
 19 amount appropriated under this heading, \$3,000,000, to
 20 remain available until September 30, 2013, is for modern-
 21 izing the Office of Debt Management's information tech-
 22 nology: *Provided further*, That notwithstanding any other
 23 provision of law, up to \$1,000,000, may be contributed
 24 to the Global Forum on Transparency and Exchange of
 25 Information for Tax Purposes, a Part II Program of the

1 Organization for Economic Cooperation and Development
 2 (OECD), to cover the cost assessed by that organization
 3 for Treasury's participation therein, and to the Forum on
 4 Tax Administration of the OECD in which the Internal
 5 Revenue Service participates, to support the work of that
 6 forum to improve global tax administration: *Provided fur-*
 7 *ther*, That of the amount appropriated under this heading,
 8 \$2,500,000 shall be to supplement and not supplant train-
 9 ing, recruitment, retention, and hiring additional members
 10 of the acquisition workforce as defined by the Office of
 11 Federal Procurement Policy Act, as amended (41 U.S.C.
 12 401 et seq.) and for information technology in support of
 13 acquisition workforce effectiveness and management.

14 DEPARTMENT-WIDE SYSTEMS AND CAPITAL

15 INVESTMENTS PROGRAMS

16 (INCLUDING TRANSFER OF FUNDS)

17 For development and acquisition of automatic data
 18 processing equipment, software, and services for the De-
 19 partment of the Treasury, \$13,000,000, to remain avail-
 20 able until September 30, 2013: *Provided*, That these funds
 21 shall be transferred to accounts and in amounts as nec-
 22 essary to satisfy the requirements of the Department's of-
 23 fices, bureaus, and other organizations: *Provided further*,
 24 That this transfer authority shall be in addition to any
 25 other transfer authority provided in this Act: *Provided fur-*

1 *ther*, That none of the funds appropriated under this head-
 2 ing shall be used to support or supplement “Internal Rev-
 3 enue Service, Operations Support” or “Internal Revenue
 4 Service, Business Systems Modernization”.

5 OFFICE OF INSPECTOR GENERAL

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of Inspector
 8 General in carrying out the provisions of the Inspector
 9 General Act of 1978, \$33,269,000, of which not to exceed
 10 \$2,000,000 shall be available for official travel expenses,
 11 including hire of passenger motor vehicles; of which not
 12 to exceed \$100,000 shall be available for unforeseen emer-
 13 gencies of a confidential nature, to be allocated and ex-
 14 pended under the direction of the Inspector General of the
 15 Treasury; and of which not to exceed \$2,500 shall be avail-
 16 able for official reception and representation expenses.

17 TREASURY INSPECTOR GENERAL FOR TAX

18 ADMINISTRATION

19 SALARIES AND EXPENSES

20 For necessary expenses of the Treasury Inspector
 21 General for Tax Administration in carrying out the In-
 22 spector General Act of 1978, including purchase (not to
 23 exceed 150 for replacement only for police-type use) and
 24 hire of passenger motor vehicles (31 U.S.C. 1343(b));
 25 services authorized by 5 U.S.C. 3109, at such rates as

1 may be determined by the Inspector General for Tax Ad-
 2 ministration; \$155,452,000, of which not to exceed
 3 \$6,000,000 shall be available for official travel expenses;
 4 of which not to exceed \$500,000 shall be available for un-
 5 foreseen emergencies of a confidential nature, to be allo-
 6 cated and expended under the direction of the Inspector
 7 General for Tax Administration; and of which not to ex-
 8 ceed \$1,500 shall be available for official reception and
 9 representation expenses.

10 SPECIAL INSPECTOR GENERAL FOR THE TROUBLED

11 ASSET RELIEF PROGRAM

12 SALARIES AND EXPENSES

13 For necessary expenses of the Office of the Special
 14 Inspector General in carrying out the provisions of the
 15 Emergency Economic Stabilization Act of 2008 (Public
 16 Law 110–343), \$49,600,000.

17 FINANCIAL CRIMES ENFORCEMENT NETWORK

18 SALARIES AND EXPENSES

19 For necessary expenses of the Financial Crimes En-
 20 forcement Network, including hire of passenger motor ve-
 21 hicles; travel and training expenses, including for course
 22 development, of non-Federal and foreign government per-
 23 sonnel to attend meetings and training concerned with do-
 24 mestic and foreign financial intelligence activities, law en-
 25 forcement, and financial regulation; not to exceed \$14,000

1 for official reception and representation expenses; and for
 2 assistance to Federal law enforcement agencies, with or
 3 without reimbursement, \$121,669,000, of which not to ex-
 4 ceed \$45,835,000 shall remain available until September
 5 30, 2013: *Provided*, That funds appropriated in this ac-
 6 count may be used to procure personal services contracts.

7 TREASURY FORFEITURE FUND

8 (RESCISSION)

9 Of the unobligated balances available under this
 10 heading, \$81,750,000 are rescinded.

11 FINANCIAL MANAGEMENT SERVICE

12 SALARIES AND EXPENSES

13 For necessary expenses of the Financial Management
 14 Service, \$235,253,000, of which not to exceed \$9,220,000
 15 shall remain available until September 30, 2012, for infor-
 16 mation systems modernization initiatives; and of which not
 17 to exceed \$2,500 shall be available for official reception
 18 and representation expenses.

19 ALCOHOL AND TOBACCO TAX AND TRADE BUREAU

20 SALARIES AND EXPENSES

21 For necessary expenses of carrying out section 1111
 22 of the Homeland Security Act of 2002, including hire of
 23 passenger motor vehicles, \$101,000,000; of which not to
 24 exceed \$6,000 for official reception and representation ex-
 25 penses; not to exceed \$50,000 for cooperative research and

1 development programs for laboratory services; and provi-
2 sion of laboratory assistance to State and local agencies
3 with or without reimbursement.

4 UNITED STATES MINT

5 UNITED STATES MINT PUBLIC ENTERPRISE FUND

6 Pursuant to section 5136 of title 31, United States
7 Code, the United States Mint is provided funding through
8 the United States Mint Public Enterprise Fund for costs
9 associated with the production of circulating coins, numis-
10 matic coins, and protective services, including both oper-
11 ating expenses and capital investments. The aggregate
12 amount of new liabilities and obligations incurred during
13 fiscal year 2010 under such section 5136 for circulating
14 coinage and protective service capital investments of the
15 United States Mint shall not exceed \$25,000,000.

16 BUREAU OF THE PUBLIC DEBT

17 ADMINISTERING THE PUBLIC DEBT

18 For necessary expenses connected with any public-
19 debt issues of the United States, \$185,985,000, of which
20 not to exceed \$2,500 shall be available for official recep-
21 tion and representation expenses, and of which not to ex-
22 ceed \$2,000,000 shall remain available until September
23 30, 2013, for systems modernization: *Provided*, That the
24 sum appropriated herein from the general fund for fiscal
25 year 2011 shall be reduced by not more than \$10,000,000

1 as definitive security issue fees and Legacy Treasury Di-
 2 rect Investor Account Maintenance fees are collected, so
 3 as to result in a final fiscal year 2011 appropriation from
 4 the general fund estimated at \$175,985,000. In addition,
 5 \$110,000 to be derived from the Oil Spill Liability Trust
 6 Fund to reimburse the Bureau for administrative and per-
 7 sonnel expenses for financial management of the Fund,
 8 as authorized by section 1012 of Public Law 101-380.

9 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

10 FUND PROGRAM ACCOUNT

11 To carry out the Community Development Banking
 12 and Financial Institutions Act of 1994 (Public Law 103-
 13 325), including services authorized by 5 U.S.C. 3109, but
 14 at rates for individuals not to exceed the per diem rate
 15 equivalent to the rate for ES-3, notwithstanding sections
 16 4707(d) and 4707(e) of title 12, United States Code,
 17 \$302,400,000, to remain available until September 30,
 18 2011; of which \$12,000,000 shall be for financial assist-
 19 ance, technical assistance, training and outreach pro-
 20 grams, designed to benefit Native American, Native Ha-
 21 waiian, and Alaskan Native communities and provided pri-
 22 marily through qualified community development lender
 23 organizations with experience and expertise in community
 24 development banking and lending in Indian country, Na-
 25 tive American organizations, tribes and tribal organiza-

1 tions and other suitable providers; of which, notwith-
 2 standing sections 4707(d) and 4707(e) of title 12, United
 3 States Code, up to \$25,000,000 shall be for a Healthy
 4 Food Financing Initiative to provide grants and loans to
 5 community development financial institutions for the pur-
 6 pose of offering affordable financing and technical assist-
 7 ance to expand the availability of healthy food options in
 8 distressed communities; of which up to \$52,400,000 shall
 9 be for initiatives designed to enable individuals with low
 10 or moderate income levels to establish bank accounts and
 11 to improve access to the provision of bank accounts as au-
 12 thorized by sections 1204 and 1205 of Public Law 111–
 13 203, of which not less than \$2,400,000 shall be for an
 14 eligible entity located in the State of Hawaii; of which up
 15 to \$7,500,000 shall be for grants to establish loan-loss re-
 16 serve funds to defray the costs of small dollar loan pro-
 17 gram authorized by section 1206 of Public Law 111–203;
 18 and of which up to \$28,000,000 may be used for adminis-
 19 trative expenses, including administration of the New
 20 Markets Tax Credit.

21 INTERNAL REVENUE SERVICE

22 TAXPAYER SERVICES

23 For necessary expenses of the Internal Revenue Serv-
 24 ice to provide taxpayer services, including pre-filing assist-
 25 ance and education, filing and account services, taxpayer

1 advocacy services, and other services as authorized by 5
 2 U.S.C. 3109, at such rates as may be determined by the
 3 Commissioner, \$2,331,468,000, of which not less than
 4 \$6,100,000 shall be for the Tax Counseling for the Elderly
 5 Program, of which not less than \$10,000,000 shall be
 6 available for low-income taxpayer clinic grants, of which
 7 not less than \$14,000,000, to remain available until Sep-
 8 tember 30, 2012, shall be available for a Community Vol-
 9 unteer Income Tax Assistance matching grants dem-
 10 onstration program for tax return preparation assistance,
 11 and of which not less than \$212,888,178 shall be available
 12 for operating expenses of the Taxpayer Advocate Service.

13 ENFORCEMENT

14 (INCLUDING TRANSFER OF FUNDS)

15 For necessary expenses for tax enforcement activities
 16 of the Internal Revenue Service to determine and collect
 17 owed taxes, to provide legal and litigation support, to con-
 18 duct criminal investigations, to enforce criminal statutes
 19 related to violations of internal revenue laws and other fi-
 20 nancial crimes, to purchase (for police-type use, not to ex-
 21 ceed 850) and hire passenger motor vehicles (31 U.S.C.
 22 1343(b)), and to provide other services as authorized by
 23 5 U.S.C. 3109, at such rates as may be determined by
 24 the Commissioner, \$5,682,880,000, of which not less than
 25 \$60,257,000 shall be for the Interagency Crime and Drug

1 Enforcement program: *Provided*, That up to \$10,000,000
 2 may be transferred as necessary from this account to “Op-
 3 erations Support” solely for the purposes of the Inter-
 4 agency Crime and Drug Enforcement program: *Provided*
 5 *further*, That this transfer authority shall be in addition
 6 to any other transfer authority provided in this Act.

7 OPERATIONS SUPPORT

8 For necessary expenses of the Internal Revenue Serv-
 9 ice to support taxpayer services and enforcement pro-
 10 grams, including rent payments; facilities services; print-
 11 ing; postage; physical security; headquarters and other
 12 IRS-wide administration activities; research and statistics
 13 of income; telecommunications; information technology de-
 14 velopment, enhancement, operations, maintenance, and se-
 15 curity; the hire of passenger motor vehicles (31 U.S.C.
 16 1343(b)); and other services as authorized by 5 U.S.C.
 17 3109, at such rates as may be determined by the Commis-
 18 sioner; \$4,088,000,000, of which up to \$75,000,000 shall
 19 remain available until September 30, 2012, for informa-
 20 tion technology support; of which up to \$65,000,000 shall
 21 remain available until expended for acquisition of real
 22 property, equipment, construction and renovation of facili-
 23 ties; of which not to exceed \$1,000,000 shall remain avail-
 24 able until September 30, 2013, for research; of which not
 25 less than \$2,000,000 shall be for the Internal Revenue

1 Service Oversight Board; of which not to exceed \$25,000
 2 shall be for official reception and representation: *Provided*,
 3 That of the amounts provided under this heading, such
 4 sums as are necessary shall be available to fully support
 5 tax enforcement activities.

6 BUSINESS SYSTEMS MODERNIZATION

7 For necessary expenses of the Internal Revenue Serv-
 8 ice's business systems modernization program,
 9 \$386,908,000, to remain available until September 30,
 10 2013, for the capital asset acquisition of information tech-
 11 nology systems, including management and related con-
 12 tractual costs of said acquisitions, including related Inter-
 13 nal Revenue Service labor costs, and contractual costs as-
 14 sociated with operations authorized by 5 U.S.C. 3109:
 15 *Provided*, That, with the exception of labor costs, none of
 16 these funds may be obligated until the Internal Revenue
 17 Service submits to the Committees on Appropriations, and
 18 such Committees approve, a plan for expenditure that: (1)
 19 meets the capital planning and investment control review
 20 requirements established by the Office of Management
 21 and Budget, including Circular A-11; (2) complies with
 22 the Internal Revenue Service's enterprise architecture, in-
 23 cluding the modernization blueprint; (3) conforms with the
 24 Internal Revenue Service's enterprise life cycle method-
 25 ology; (4) is approved by the Internal Revenue Service,

1 the Department of the Treasury, and the Office of Man-
 2 agement and Budget; (5) has been reviewed by the Gov-
 3 ernment Accountability Office; and (6) complies with the
 4 acquisition rules, requirements, guidelines, and systems
 5 acquisition management practices of the Federal Govern-
 6 ment.

7 HEALTH INSURANCE TAX CREDIT ADMINISTRATION

8 For expenses necessary to implement the health in-
 9 surance tax credit included in the Trade Act of 2002
 10 (Public Law 107–210), \$18,987,000.

11 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

12 SERVICE

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 101. Not to exceed 5 percent of any appropria-
 15 tion made available in this Act to the Internal Revenue
 16 Service or not to exceed 3 percent of appropriations under
 17 the heading “Enforcement” may be transferred to any
 18 other Internal Revenue Service appropriation upon the ad-
 19 vance approval of the Committees on Appropriations.

20 SEC. 102. The Internal Revenue Service shall main-
 21 tain a training program to ensure that Internal Revenue
 22 Service employees are trained in taxpayers’ rights, in deal-
 23 ing courteously with taxpayers, and in cross-cultural rela-
 24 tions.

SEC. 105. None of the funds made available in this Act may be used to enter into, renew, extend, administer, implement, enforce, or provide oversight of any qualified tax collection contract (as defined in section 6306 of the Internal Revenue Code of 1986).

SEC. 107. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign

1 countries; purchase of motor vehicles without regard to the
2 general purchase price limitations for vehicles purchased
3 and used overseas for the current fiscal year; entering into
4 contracts with the Department of State for the furnishing
5 of health and medical services to employees and their de-
6 pendants serving in foreign countries; and services author-
7 ized by 5 U.S.C. 3109.

8 SEC. 108. Not to exceed 2 percent of any appropria-
9 tions in this Act made available to the Departmental Of-
10 fices—Salaries and Expenses, Office of Inspector General,
11 Special Inspector General for the Troubled Asset Relief
12 Program, Financial Management Service, Alcohol and To-
13 bacco Tax and Trade Bureau, Financial Crimes Enforce-
14 ment Network, and Bureau of the Public Debt, may be
15 transferred between such appropriations upon the advance
16 approval of the Committees on Appropriations: *Provided*,
17 That no transfer may increase or decrease any such appro-
18 priation by more than 2 percent.

19 SEC. 109. Not to exceed 2 percent of any appropria-
20 tion made available in this Act to the Internal Revenue
21 Service may be transferred to the Treasury Inspector Gen-
22 eral for Tax Administration's appropriation upon the ad-
23 vance approval of the Committees on Appropriations: *Pro-*
24 *vided*, That no transfer may increase or decrease any such
25 appropriation by more than 2 percent.

1 SEC. 110. Of the funds available for the purchase of
2 law enforcement vehicles, no funds may be obligated until
3 the Secretary of the Treasury certifies that the purchase
4 by the respective Treasury bureau is consistent with de-
5 partmental vehicle management principles: *Provided*, That
6 the Secretary may delegate this authority to the Assistant
7 Secretary for Management.

8 SEC. 111. None of the funds appropriated in this Act
9 or otherwise available to the Department of the Treasury
10 or the Bureau of Engraving and Printing may be used
11 to redesign the \$1 Federal Reserve note.

12 SEC. 112. The Secretary of the Treasury may trans-
13 fer funds from Financial Management Service, Salaries
14 and Expenses to the Debt Collection Fund as necessary
15 to cover the costs of debt collection: *Provided*, That such
16 amounts shall be reimbursed to such salaries and expenses
17 account from debt collections received in the Debt Collec-
18 tion Fund.

19 SEC. 113. Section 122(g)(1) of Public Law 105–119
20 (5 U.S.C. 3104 note), is further amended by striking “12
21 years” and inserting “13 years”.

22 SEC. 114. None of the funds appropriated or other-
23 wise made available by this or any other Act may be used
24 by the United States Mint to construct or operate any mu-
25 seum without the explicit approval of the Committees on

1 Appropriations of the House of Representatives and the
2 Senate, the House Committee on Financial Services, and
3 the Senate Committee on Banking, Housing and Urban
4 Affairs.

5 SEC. 115. None of the funds appropriated or other-
6 wise made available by this or any other Act or source
7 to the Department of the Treasury, the Bureau of Engrav-
8 ing and Printing, and the United States Mint, individually
9 or collectively, may be used to consolidate any or all func-
10 tions of the Bureau of Engraving and Printing and the
11 United States Mint without the explicit approval of the
12 House Committee on Financial Services; the Senate Com-
13 mittee on Banking, Housing, and Urban Affairs; the
14 House Committee on Appropriations; and the Senate
15 Committee on Appropriations.

16 SEC. 116. Funds appropriated by this Act, or made
17 available by the transfer of funds in this Act, for the De-
18 partment of the Treasury's intelligence or intelligence re-
19 lated activities are deemed to be specifically authorized by
20 the Congress for purposes of section 504 of the National
21 Security Act of 1947 (50 U.S.C. 414) during fiscal year
22 2011 until the enactment of the Intelligence Authorization
23 Act for Fiscal Year 2011.

24 SEC. 117. Not to exceed \$5,000 shall be made avail-
25 able from the Bureau of Engraving and Printing's Indus-

1 trial Revolving Fund for necessary official reception and
2 representation expenses.

3 SEC. 118. The Secretary of the Treasury shall notify
4 the Committees on Appropriations of the Senate and the
5 House of Representatives of any proposed transfer of
6 funds available under subsection (g)(4)(B) of title 31
7 United States Code (as added by Public Law 102–393)
8 from the Department of the Treasury Forfeiture Fund to
9 any agency or account within the Department of the
10 Treasury: *Provided*, That none of the funds identified for
11 such transfer may be obligated until the Committees on
12 Appropriations of the Senate and the House of Represent-
13 atives approve the proposed transfers in writing: *Provided*
14 *further*, That none of the funds identified for such trans-
15 fers may be used to initiate or resume any project, pro-
16 gram, or activity for which appropriations, funds, or other
17 authority are not available during fiscal year 2011: *Pro-*
18 *vided further*, That none of the funds identified for such
19 transfer may be used during fiscal year 2011 for any
20 project, program or activity for which appropriations,
21 funds, or other authority will be necessary to continue or
22 complete such project, program, or activity in fiscal year
23 2012 or thereafter without prior notification of the multi-
24 year nature and cost estimate of the project, program or
25 activity and written approval of the Committees on Appro-

1 priations of the Senate and the House of Representatives:
2 *Provided further*, That none of the funds identified for
3 such transfer may be used or transferred to the account
4 “Financial Crimes Enforcement Network, Salaries and
5 Expenses” for the purpose of any large-scale information
6 technology modernization project.

7 SEC. 119. The Secretary of the Treasury shall submit
8 a Capital Investment Plan to the Committees on Appro-
9 priations of the Senate and the House of Representatives
10 not later than 30 days following the submission of the an-
11 nual budget for the Administration submitted by the
12 President: *Provided*, That such Capital Investment Plan
13 shall include capital investment spending from all accounts
14 within the Department of the Treasury, including but not
15 limited to the Department-wide Systems and Capital In-
16 vestment Programs account, the Working Capital Fund
17 account, and the Treasury Forfeiture Fund account: *Pro-*
18 *vided further*, That such Capital Investment Plan shall in-
19 clude expenditures occurring in previous fiscal years for
20 each capital investment project that has not been fully
21 completed.

22 This title may be cited as the “Department of the
23 Treasury Appropriations Act, 2011”.

1 TITLE II
2 EXECUTIVE OFFICE OF THE PRESIDENT AND
3 FUNDS APPROPRIATED TO THE PRESIDENT
4 COMPENSATION OF THE PRESIDENT

5 For compensation of the President, including an ex-
6 pense allowance at the rate of \$50,000 per annum as au-
7 thorized by 3 U.S.C. 102, \$450,000: *Provided*, That none
8 of the funds made available for official expenses shall be
9 expended for any other purpose and any unused amount
10 shall revert to the Treasury pursuant to 31 U.S.C. 1552.

11 THE WHITE HOUSE
12 SALARIES AND EXPENSES

13 For necessary expenses for the White House as au-
14 thorized by law, including not to exceed \$3,850,000 for
15 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105;
16 subsistence expenses as authorized by 3 U.S.C. 105, which
17 shall be expended and accounted for as provided in that
18 section; hire of passenger motor vehicles, newspapers,
19 periodicals, teletype news service, and travel (not to exceed
20 \$100,000 to be expended and accounted for as provided
21 by 3 U.S.C. 103); and not to exceed \$19,000 for official
22 entertainment expenses, to be available for allocation with-
23 in the Executive Office of the President; and for necessary
24 expenses of the Office of Policy Development, including
25 services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107,

1 \$59,859,000, of which not less than \$1,400,000 shall be
 2 for the Office of National AIDS Policy.

3 EXECUTIVE RESIDENCE AT THE WHITE HOUSE

4 OPERATING EXPENSES

5 For the care, maintenance, repair and alteration, re-
 6 furnishing, improvement, heating, and lighting, including
 7 electric power and fixtures, of the Executive Residence at
 8 the White House and official entertainment expenses of
 9 the President, \$14,006,000, to be expended and accounted
 10 for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

11 REIMBURSABLE EXPENSES

12 For the reimbursable expenses of the Executive Resi-
 13 dence at the White House, such sums as may be nec-
 14 essary: *Provided*, That all reimbursable operating expenses
 15 of the Executive Residence shall be made in accordance
 16 with the provisions of this paragraph: *Provided further*,
 17 That, notwithstanding any other provision of law, such
 18 amount for reimbursable operating expenses shall be the
 19 exclusive authority of the Executive Residence to incur ob-
 20 ligations and to receive offsetting collections, for such ex-
 21 penses: *Provided further*, That the Executive Residence
 22 shall require each person sponsoring a reimbursable polit-
 23 ical event to pay in advance an amount equal to the esti-
 24 mated cost of the event, and all such advance payments
 25 shall be credited to this account and remain available until

1 expended: *Provided further*, That the Executive Residence
2 shall require the national committee of the political party
3 of the President to maintain on deposit \$25,000, to be
4 separately accounted for and available for expenses relat-
5 ing to reimbursable political events sponsored by such
6 committee during such fiscal year: *Provided further*, That
7 the Executive Residence shall ensure that a written notice
8 of any amount owed for a reimbursable operating expense
9 under this paragraph is submitted to the person owing
10 such amount within 60 days after such expense is in-
11 curred, and that such amount is collected within 30 days
12 after the submission of such notice: *Provided further*, That
13 the Executive Residence shall charge interest and assess
14 penalties and other charges on any such amount that is
15 not reimbursed within such 30 days, in accordance with
16 the interest and penalty provisions applicable to an out-
17 standing debt on a United States Government claim under
18 31 U.S.C. 3717: *Provided further*, That each such amount
19 that is reimbursed, and any accompanying interest and
20 charges, shall be deposited in the Treasury as miscella-
21 neous receipts: *Provided further*, That the Executive Resi-
22 dence shall prepare and submit to the Committees on Ap-
23 propriations, by not later than 90 days after the end of
24 the fiscal year covered by this Act, a report setting forth
25 the reimbursable operating expenses of the Executive Res-

1 idence during the preceding fiscal year, including the total
2 amount of such expenses, the amount of such total that
3 consists of reimbursable official and ceremonial events, the
4 amount of such total that consists of reimbursable political
5 events, and the portion of each such amount that has been
6 reimbursed as of the date of the report: *Provided further*,
7 That the Executive Residence shall maintain a system for
8 the tracking of expenses related to reimbursable events
9 within the Executive Residence that includes a standard
10 for the classification of any such expense as political or
11 nonpolitical: *Provided further*, That no provision of this
12 paragraph may be construed to exempt the Executive Res-
13 idence from any other applicable requirement of sub-
14 chapter I or II of chapter 37 of title 31, United States
15 Code.

16 WHITE HOUSE REPAIR AND RESTORATION

17 For the repair, alteration, and improvement of the
18 Executive Residence at the White House, \$2,005,000, to
19 remain available until expended, for required maintenance,
20 resolution of safety and health issues, and continued pre-
21 ventative maintenance.

1 COUNCIL OF ECONOMIC ADVISERS

2 SALARIES AND EXPENSES

3 For necessary expenses of the Council of Economic
4 Advisers in carrying out its functions under the Employ-
5 ment Act of 1946 (15 U.S.C. 1021 et seq.), \$4,403,000.

6 NATIONAL SECURITY COUNCIL AND HOMELAND

7 SECURITY COUNCIL

8 SALARIES AND EXPENSES

9 For necessary expenses of the National Security
10 Council and the Homeland Security Council, including
11 services as authorized by 5 U.S.C. 3109, \$14,134,000.

12 OFFICE OF ADMINISTRATION

13 SALARIES AND EXPENSES

14 For necessary expenses of the Office of Administra-
15 tion, including services as authorized by 5 U.S.C. 3109
16 and 3 U.S.C. 107, and hire of passenger motor vehicles,
17 \$115,280,000, of which \$12,777,000 shall remain avail-
18 able until expended for continued modernization of the in-
19 formation technology infrastructure within the Executive
20 Office of the President.

21 OFFICE OF MANAGEMENT AND BUDGET

22 SALARIES AND EXPENSES

23 For necessary expenses of the Office of Management
24 and Budget, including hire of passenger motor vehicles
25 and services as authorized by 5 U.S.C. 3109 and to carry

1 out the provisions of chapter 35 of title 44, United States
2 Code, \$94,863,000, of which not to exceed \$3,000 shall
3 be available for official representation expenses: *Provided*,
4 That none of the funds appropriated in this Act for the
5 Office of Management and Budget may be used for the
6 purpose of reviewing any agricultural marketing orders or
7 any activities or regulations under the provisions of the
8 Agricultural Marketing Agreement Act of 1937 (7 U.S.C.
9 601 et seq.): *Provided further*, That none of the funds
10 made available for the Office of Management and Budget
11 by this Act may be expended for the altering of the tran-
12 script of actual testimony of witnesses, except for testi-
13 mony of officials of the Office of Management and Budget,
14 before the Committees on Appropriations or their sub-
15 committees: *Provided further*, That none of the funds pro-
16 vided in this or prior Acts shall be used, directly or indi-
17 rectly, by the Office of Management and Budget, for eval-
18 uating or determining if water resource project or study
19 reports submitted by the Chief of Engineers acting
20 through the Secretary of the Army are in compliance with
21 all applicable laws, regulations, and requirements relevant
22 to the Civil Works water resource planning process: *Pro-*
23 *vided further*, That the Office of Management and Budget
24 shall have not more than 60 days in which to perform
25 budgetary policy reviews of water resource matters on

1 which the Chief of Engineers has reported: *Provided fur-*
 2 *ther*, That the Director of the Office of Management and
 3 Budget shall notify the appropriate authorizing and ap-
 4 propriating committees when the 60-day review is initi-
 5 ated: *Provided further*, That if water resource reports have
 6 not been transmitted to the appropriate authorizing and
 7 appropriating committees within 15 days after the end of
 8 the Office of Management and Budget review period based
 9 on the notification from the Director, Congress shall as-
 10 sume Office of Management and Budget concurrence with
 11 the report and act accordingly.

12 GOVERNMENT-WIDE MANAGEMENT COUNCILS

13 (INCLUDING TRANSFER OF FUNDS)

14 Notwithstanding 31 U.S.C. 1346 and section 708 of
 15 this Act, the head of each Executive department and agen-
 16 cy is hereby authorized to transfer to or reimburse “Gen-
 17 eral Services Administration, Government-wide Policy”
 18 with the approval of the Director of the Office of Manage-
 19 ment and Budget, funds made available for fiscal year
 20 2011 by this or any other Act, including rebates from
 21 charge card and other contracts: *Provided*, That these
 22 funds shall be administered by the Administrator of Gen-
 23 eral Services to support Government-wide and other multi-
 24 agency financial, information technology, procurement,
 25 and other management innovations, initiatives, and activi-

1 ties, as approved by the Director of the Office of Manage-
 2 ment and Budget, in consultation with the appropriate
 3 interagency and multi-agency groups designated by the
 4 Director, including the President's Management Council
 5 for overall management improvement initiatives, the Chief
 6 Financial Officers Council for financial management ini-
 7 tiatives, the Chief Information Officers Council for infor-
 8 mation technology initiatives, the Chief Human Capital
 9 Officers Council for human capital initiatives, the Chief
 10 Acquisition Officers Council for procurement initiatives,
 11 and the Performance Improvement Council for perform-
 12 ance improvement initiatives: *Provided further*, That the
 13 total funds transferred or reimbursed shall not exceed
 14 \$17,000,000: *Provided further*, That the funds transferred
 15 to or for reimbursement of "General Services Administra-
 16 tion, Government-wide Policy" during fiscal year 2011
 17 shall remain available for obligation through September
 18 30, 2012: *Provided further*, That such transfers or reim-
 19 bursements may only be made following written approval
 20 of the Committees on Appropriations of the House of Rep-
 21 resentatives and the Senate.

22 OFFICE OF NATIONAL DRUG CONTROL POLICY

23 SALARIES AND EXPENSES

24 For necessary expenses of the Office of National
 25 Drug Control Policy; for research activities pursuant to

1 the Office of National Drug Control Policy Reauthoriza-
 2 tion Act of 2006 (Public Law 109–469); not to exceed
 3 \$10,000 for official reception and representation expenses;
 4 and for participation in joint projects or in the provision
 5 of services on matters of mutual interest with nonprofit,
 6 research, or public organizations or agencies, with or with-
 7 out reimbursement, \$29,000,000; of which \$1,235,000
 8 shall remain available until expended for policy research
 9 and evaluation: *Provided*, That the Office is authorized to
 10 accept, hold, administer, and utilize gifts, both real and
 11 personal, public and private, without fiscal year limitation,
 12 for the purpose of aiding or facilitating the work of the
 13 Office.

14 FEDERAL DRUG CONTROL PROGRAMS

15 HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

16 (INCLUDING TRANSFERS OF FUNDS)

17 For necessary expenses of the Office of National
 18 Drug Control Policy’s High Intensity Drug Trafficking
 19 Areas Program, \$239,000,000, to remain available until
 20 September 30, 2012, for drug control activities consistent
 21 with the approved strategy for each of the designated
 22 High Intensity Drug Trafficking Areas (“HIDTAs”), of
 23 which not less than 51 percent shall be transferred to
 24 State and local entities for drug control activities and shall
 25 be obligated not later than 120 days after enactment of

1 this Act: *Provided*, That up to 49 percent may be trans-
2 ferred to Federal agencies and departments in amounts
3 determined by the Director of the Office of National Drug
4 Control Policy (“the Director”), of which up to
5 \$2,700,000 may be used for auditing services and associ-
6 ated activities (including up to \$500,000 to ensure the
7 continued operation and maintenance of the Performance
8 Management System): *Provided further*, That, notwith-
9 standing the requirements of Public Law 106–58, any un-
10 expended funds obligated prior to fiscal year 2009 may
11 be used for any other approved activities of that High In-
12 tensity Drug Trafficking Area, subject to reprogramming
13 requirements: *Provided further*, That each High Intensity
14 Drug Trafficking Area designated as of September 30,
15 2010, shall be funded at not less than the fiscal year 2010
16 base level, unless the Director submits to the Committees
17 on Appropriations of the House of Representatives and the
18 Senate justification for changes to those levels based on
19 clearly articulated priorities and published Office of Na-
20 tional Drug Control Policy performance measures of effec-
21 tiveness: *Provided further*, That the Director shall notify
22 the Committees on Appropriations of the initial allocation
23 of fiscal year 2011 funding among HIDTAs not later than
24 45 days after enactment of this Act, and shall notify the
25 Committees of planned uses of discretionary HIDTA

1 funding, as determined in consultation with the HIDTA
2 Directors, not later than 90 days after enactment of this
3 Act.

4 OTHER FEDERAL DRUG CONTROL PROGRAMS

5 (INCLUDING TRANSFERS OF FUNDS)

6 For other drug control activities authorized by the
7 Office of National Drug Control Policy Reauthorization
8 Act of 2006 (Public Law 109–469), \$175,825,000, to re-
9 main available until expended, which shall be available as
10 follows: \$66,500,000 to support a national media cam-
11 paign; \$95,000,000 for the Drug-Free Communities Pro-
12 gram, of which \$2,000,000 shall be made available as di-
13 rected by section 4 of Public Law 107–82, as amended
14 by Public Law 109–469 (21 U.S.C. 1521 note);
15 \$1,000,000 for the National Drug Court Institute;
16 \$10,000,000 for the United States Anti-Doping Agency
17 for anti-doping activities; \$1,900,000 for the United
18 States membership dues to the World Anti-Doping Agen-
19 cy; \$1,187,500 for the National Alliance for Model State
20 Drug Laws; and \$237,500 for evaluations and research
21 related to National Drug Control Program performance
22 measures, which may be transferred to other Federal de-
23 partments and agencies to carry out such activities.

1 UNANTICIPATED NEEDS

2 For expenses necessary to enable the President to
 3 meet unanticipated needs, in furtherance of the national
 4 interest, security, or defense which may arise at home or
 5 abroad during the current fiscal year, as authorized by
 6 3 U.S.C. 108, \$1,000,000, to remain available until Sep-
 7 tember 30, 2012.

8 INTEGRATED, EFFICIENT AND EFFECTIVE USES OF
 9 INFORMATION TECHNOLOGY

10 (INCLUDING TRANSFER OF FUNDS)

11 For necessary expenses for the furtherance of inte-
 12 grated, efficient, and effective uses of information tech-
 13 nology in the Federal Government, including the develop-
 14 ment and operation of government-wide shared informa-
 15 tion technology services, the implementation of consoli-
 16 dated, resource-saving and energy-efficient platforms, and
 17 the development and operation of information technology
 18 security services and the provision of architectural exper-
 19 tise to promote inter-agency interoperability, \$40,000,000,
 20 to remain available until September 30, 2013: *Provided*,
 21 That the Director of the Office of Management and Budg-
 22 et may transfer these funds to one or more Federal agen-
 23 cies to carry out projects to meet these purposes: *Provided*
 24 *further*, That such transfers may only be made following
 25 written approval of the Committees on Appropriations of

1 the House of Representatives and the Senate: *Provided*
 2 *further*, That the Director of the Office of Management
 3 and Budget shall submit a progress report to the Commit-
 4 tees on Appropriations of the House of Representatives
 5 and the Senate not later than March 31, 2011 and semi-
 6 annually thereafter until the program is completed, includ-
 7 ing detailed information on goals, objectives, performance
 8 measures, and evaluations of the program in general and
 9 of each specific project funded pursuant to this initiative.

10 SPECIAL ASSISTANCE TO THE PRESIDENT

11 SALARIES AND EXPENSES

12 For necessary expenses to enable the Vice President
 13 to provide assistance to the President in connection with
 14 specially assigned functions; services as authorized by 5
 15 U.S.C. 3109 and 3 U.S.C. 106, including subsistence ex-
 16 penses as authorized by 3 U.S.C. 106, which shall be ex-
 17 pended and accounted for as provided in that section; and
 18 hire of passenger motor vehicles, \$4,657,000.

19 OFFICIAL RESIDENCE OF THE VICE PRESIDENT

20 OPERATING EXPENSES

21 (INCLUDING TRANSFER OF FUNDS)

22 For the care, operation, refurnishing, improvement,
 23 and to the extent not otherwise provided for, heating and
 24 lighting, including electric power and fixtures, of the offi-
 25 cial residence of the Vice President; the hire of passenger

1 motor vehicles; and not to exceed \$90,000 for official en-
 2 tertainment expenses of the Vice President, to be ac-
 3 counted for solely on his certificate, \$335,000: *Provided*,
 4 That advances or repayments or transfers from this ap-
 5 propriation may be made to any department or agency for
 6 expenses of carrying out such activities.

7 ADMINISTRATIVE PROVISIONS—EXECUTIVE OFFICE OF
 8 THE PRESIDENT AND FUNDS APPROPRIATED TO
 9 THE PRESIDENT

10 (INCLUDING TRANSFERS OF FUNDS)

11 SEC. 201. From funds made available in this Act
 12 under the headings “The White House”, “Executive Resi-
 13 dence at the White House”, “White House Repair and
 14 Restoration”, “Council of Economic Advisers”, “National
 15 Security Council and Homeland Security Council”, “Of-
 16 fice of Administration”, “Special Assistance to the Presi-
 17 dent”, and “Official Residence of the Vice President”, the
 18 Director of the Office of Management and Budget (or
 19 such other officer as the President may designate in writ-
 20 ing), may, 15 days after giving notice to the Committees
 21 on Appropriations of the House of Representatives and the
 22 Senate, transfer not to exceed 10 percent of any such ap-
 23 propriation to any other such appropriation, to be merged
 24 with and available for the same time and for the same
 25 purposes as the appropriation to which transferred: *Pro-*

1 *vided*, That the amount of an appropriation shall not be
2 increased by more than 50 percent by such transfers: *Pro-*
3 *vided further*, That no amount shall be transferred from
4 “Special Assistance to the President” or “Official Resi-
5 dence of the Vice President” without the approval of the
6 Vice President.

7 SEC. 202. The Director of the Office of National
8 Drug Control Policy shall submit to the Committees on
9 Appropriations of the House of Representatives and the
10 Senate not later than 60 days after the date of enactment
11 of this Act, and prior to the initial obligation of more than
12 20 percent of the funds appropriated in any account under
13 the heading “Office of National Drug Control Policy”, a
14 detailed narrative and financial plan on the proposed uses
15 of all funds under the account by program, project, and
16 activity: *Provided*, That the reports required by this sec-
17 tion shall be updated and submitted to the Committees
18 on Appropriations every 6 months and shall include infor-
19 mation detailing how the estimates and assumptions con-
20 tained in previous reports have changed: *Provided further*,
21 That any new projects and changes in funding of ongoing
22 projects shall be subject to the prior approval of the Com-
23 mittees on Appropriations.

24 SEC. 203. Not to exceed 2 percent of any appropria-
25 tions in this Act made available to the Office of National

1 Drug Control Policy may be transferred between appro-
 2 priated programs upon the advance approval of the Com-
 3 mittees on Appropriations: *Provided*, That no transfer
 4 may increase or decrease any such appropriation by more
 5 than 3 percent.

6 SEC. 204. Not to exceed \$1,000,000 of any appro-
 7 priations in this Act made available to the Office of Na-
 8 tional Drug Control Policy may be reprogrammed within
 9 a program, project, or activity upon the advance approval
 10 of the Committees on Appropriations.

11 This title may be cited as the “Executive Office of
 12 the President Appropriations Act, 2011”.

13 TITLE III

14 THE JUDICIARY

15 SUPREME COURT OF THE UNITED STATES

16 SALARIES AND EXPENSES

17 For expenses necessary for the operation of the Su-
 18 preme Court, as required by law, excluding care of the
 19 building and grounds, including purchase or hire, driving,
 20 maintenance, and operation of an automobile for the Chief
 21 Justice, not to exceed \$10,000 for the purpose of trans-
 22 porting Associate Justices, and hire of passenger motor
 23 vehicles as authorized by 31 U.S.C. 1343 and 1344; not
 24 to exceed \$10,000 for official reception and representation
 25 expenses; and for miscellaneous expenses, to be expended

1 as the Chief Justice may approve, \$77,758,000, of which
2 \$2,000,000 shall remain available until expended.

3 CARE OF THE BUILDING AND GROUNDS

4 For such expenditures as may be necessary to enable
5 the Architect of the Capitol to carry out the duties im-
6 posed upon the Architect by 40 U.S.C. 6111 and 6112,
7 \$14,788,000, to remain available until expended, of which
8 \$5,000,000 may not be obligated or expended until the
9 Committee on Appropriations receives a detailed capital
10 improvements report as required by Senate Report 111–
11 238, filed on July 29, 2010.

12 UNITED STATES COURT OF APPEALS FOR THE FEDERAL
13 CIRCUIT

14 SALARIES AND EXPENSES

15 For salaries of the chief judge, judges, and other offi-
16 cers and employees, and for necessary expenses of the
17 court, as authorized by law, \$33,920,000.

18 UNITED STATES COURT OF INTERNATIONAL TRADE

19 SALARIES AND EXPENSES

20 For salaries of the chief judge and eight judges, sala-
21 ries of the officers and employees of the court, services,
22 and necessary expenses of the court, as authorized by law,
23 \$22,268,000.

1 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER
2 JUDICIAL SERVICES
3 SALARIES AND EXPENSES
4 (INCLUDING TRANSFER OF FUNDS)

5 For the salaries of circuit and district judges (includ-
6 ing judges of the territorial courts of the United States),
7 justices and judges retired from office or from regular ac-
8 tive service, judges of the United States Court of Federal
9 Claims, bankruptcy judges, magistrate judges, and all
10 other officers and employees of the Federal Judiciary not
11 otherwise specifically provided for, and necessary expenses
12 of the courts, as authorized by law, \$5,240,051,000 (in-
13 cluding the purchase of firearms and ammunition); of
14 which not to exceed \$27,817,000 shall remain available
15 until expended for space alteration projects and for fur-
16 niture and furnishings related to new space alteration and
17 construction projects; of which \$40,000,000 shall remain
18 available until September 30, 2012: *Provided*, That not-
19 withstanding section 302, funding shall be available for
20 transfer between Judiciary accounts to meet increased
21 workload requirements resulting from immigration and
22 other law enforcement initiatives.

23 In addition, for expenses of the United States Court
24 of Federal Claims associated with processing cases under
25 the National Childhood Vaccine Injury Act of 1986 (Pub-

1 lie Law 99–660), not to exceed \$4,785,000, to be appro-
 2 priated from the Vaccine Injury Compensation Trust
 3 Fund.

4 DEFENDER SERVICES

5 For the operation of Federal Defender organizations;
 6 the compensation and reimbursement of expenses of attor-
 7 neys appointed to represent persons under 18 U.S.C.
 8 3006A, and also under 18 U.S.C. 3599, in cases in which
 9 a defendant is charged with a crime that may be punish-
 10 able by death; the compensation and reimbursement of ex-
 11 penses of persons furnishing investigative, expert, and
 12 other services under 18 U.S.C. 3006A(e), and also under
 13 18 U.S.C. 3599(f) and (g)(2), in cases in which a defend-
 14 ant is charged with a crime that may be punishable by
 15 death; the compensation (in accordance with the maxi-
 16 mums under 18 U.S.C. 3006A) and reimbursement of ex-
 17 penses of attorneys appointed to assist the court in crimi-
 18 nal cases where the defendant has waived representation
 19 by counsel; the compensation and reimbursement of travel
 20 expenses of guardians ad litem acting on behalf of finan-
 21 cially eligible minor or incompetent offenders in connec-
 22 tion with transfers from the United States to foreign coun-
 23 tries with which the United States has a treaty for the
 24 execution of penal sentences; the compensation and reim-
 25 bursement of expenses of attorneys appointed to represent

1 jurors in civil actions for the protection of their employ-
 2 ment, as authorized by 28 U.S.C. 1875(d); the compensa-
 3 tion and reimbursement of expenses of attorneys ap-
 4 pointed under 18 U.S.C. 983(b)(1) in connection with cer-
 5 tain judicial civil forfeiture proceedings; and for necessary
 6 training and general administrative expenses,
 7 \$1,072,253,000, to remain available until expended.

8 FEES OF JURORS AND COMMISSIONERS

9 For fees and expenses of jurors as authorized by 28
 10 U.S.C. 1871 and 1876; compensation of jury commis-
 11 sioners as authorized by 28 U.S.C. 1863; and compensa-
 12 tion of commissioners appointed in condemnation cases
 13 pursuant to rule 71.1(h) of the Federal Rules of Civil Pro-
 14 cedure (28 U.S.C. Appendix Rule 71.1(h)), \$55,590,000,
 15 to remain available until expended: *Provided*, That the
 16 compensation of land commissioners shall not exceed the
 17 daily equivalent of the highest rate payable under 5 U.S.C.
 18 5332.

19 COURT SECURITY

20 (INCLUDING TRANSFERS OF FUNDS)

21 For necessary expenses, not otherwise provided for,
 22 incident to the provision of protective guard services for
 23 United States courthouses and other facilities housing
 24 Federal court operations, and the procurement, installa-
 25 tion, and maintenance of security systems and equipment

1 for United States courthouses and other facilities housing
2 Federal court operations, including building ingress-egress
3 control, inspection of mail and packages, directed security
4 patrols, perimeter security, basic security services provided
5 by the Federal Protective Service, and other similar activi-
6 ties as authorized by section 1010 of the Judicial Improve-
7 ment and Access to Justice Act (Public Law 100–702),
8 \$495,038,000, of which not to exceed \$15,000,000 shall
9 remain available until expended, to be expended directly
10 or transferred to the United States Marshals Service,
11 which shall be responsible for administering the Judicial
12 Facility Security Program consistent with standards or
13 guidelines agreed to by the Director of the Administrative
14 Office of the United States Courts and the Attorney Gen-
15 eral.

16 ADMINISTRATIVE OFFICE OF THE UNITED STATES
17 COURTS

18 SALARIES AND EXPENSES

19 For necessary expenses of the Administrative Office
20 of the United States Courts as authorized by law, includ-
21 ing travel as authorized by 31 U.S.C. 1345, hire of a pas-
22 senger motor vehicle as authorized by 31 U.S.C. 1343(b),
23 advertising and rent in the District of Columbia and else-
24 where, \$87,255,000, of which not to exceed \$8,500 is au-
25 thorized for official reception and representation expenses.

1 FEDERAL JUDICIAL CENTER

2 SALARIES AND EXPENSES

3 For necessary expenses of the Federal Judicial Cen-
4 ter, as authorized by Public Law 90–219, \$28,694,000;
5 of which \$1,800,000 shall remain available through Sep-
6 tember 30, 2012, to provide education and training to
7 Federal court personnel; and of which not to exceed
8 \$1,500 is authorized for official reception and representa-
9 tion expenses.

10 JUDICIAL RETIREMENT FUNDS

11 PAYMENT TO JUDICIARY TRUST FUNDS

12 For payment to the Judicial Officers' Retirement
13 Fund, as authorized by 28 U.S.C. 377(o), \$79,061,400;
14 to the Judicial Survivors' Annuities Fund, as authorized
15 by 28 U.S.C. 376(c), \$7,300,000; and to the United
16 States Court of Federal Claims Judges' Retirement Fund,
17 as authorized by 28 U.S.C. 178(l), \$4,000,000.

18 UNITED STATES SENTENCING COMMISSION

19 SALARIES AND EXPENSES

20 For the salaries and expenses necessary to carry out
21 the provisions of chapter 58 of title 28, United States
22 Code, \$17,595,000, of which not to exceed \$1,000 is au-
23 thorized for official reception and representation expenses.

1 ADMINISTRATIVE PROVISIONS—THE JUDICIARY

2 (INCLUDING TRANSFER OF FUNDS)

3 SEC. 301. Appropriations and authorizations made in
4 this title which are available for salaries and expenses shall
5 be available for services as authorized by 5 U.S.C. 3109.

6 SEC. 302. Not to exceed 5 percent of any appropria-
7 tion made available for the current fiscal year for the Judi-
8 ciary in this Act may be transferred between such appro-
9 priations, but no such appropriation, except “Courts of
10 Appeals, District Courts, and Other Judicial Services, De-
11 fender Services” and “Courts of Appeals, District Courts,
12 and Other Judicial Services, Fees of Jurors and Commis-
13 sioners”, shall be increased by more than 10 percent by
14 any such transfers: *Provided*, That any transfer pursuant
15 to this section shall be treated as a reprogramming of
16 funds under sections 604 and 608 of this Act and shall
17 not be available for obligation or expenditure except in
18 compliance with the procedures set forth in section 608.

19 SEC. 303. Notwithstanding any other provision of
20 law, the salaries and expenses appropriation for “Courts
21 of Appeals, District Courts, and Other Judicial Services”
22 shall be available for official reception and representation
23 expenses of the Judicial Conference of the United States:
24 *Provided*, That such available funds shall not exceed
25 \$11,000 and shall be administered by the Director of the

1 Administrative Office of the United States Courts in the
2 capacity as Secretary of the Judicial Conference.

3 SEC. 304. Within 90 days after the date of the enact-
4 ment of this Act, the Administrative Office of the U.S.
5 Courts shall submit to the Committees on Appropriations
6 a comprehensive financial plan for the Judiciary allocating
7 all sources of available funds including appropriations, fee
8 collections, and carryover balances, to include a separate
9 and detailed plan for the Judiciary Information Tech-
10 nology Fund, which will establish the baseline for applica-
11 tion of reprogramming and transfer authorities for the
12 current fiscal year.

13 SEC. 305. Section 3314(a) of title 40, United States
14 Code, shall be applied by substituting “Federal” for “exec-
15 utive” each place it appears.

16 SEC. 306. In accordance with 28 U.S.C. 561–569,
17 and notwithstanding any other provision of law, the
18 United States Marshals Service shall provide, for such
19 courthouses as its Director may designate in consultation
20 with the Director of the Administrative Office of the
21 United States Courts, for purposes of a pilot program, the
22 security services that 40 U.S.C. 1315 authorizes the De-
23 partment of Homeland Security to provide, except for the
24 services specified in 40 U.S.C. 1315(b)(2)(E). For build-
25 ing-specific security services at these courthouses, the Di-

1 rector of the Administrative Office of the United States
 2 Courts shall reimburse the United States Marshals Service
 3 rather than the Department of Homeland Security.

4 This title may be cited as the “Judiciary Appropria-
 5 tions Act, 2011”.

6 TITLE IV

7 DISTRICT OF COLUMBIA

8 FEDERAL FUNDS

9 FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

10 For a Federal payment to the District of Columbia,
 11 to be deposited into a dedicated account, for a nationwide
 12 program to be administered by the Mayor, for District of
 13 Columbia resident tuition support, \$35,100,000, to remain
 14 available until expended: *Provided*, That such funds, in-
 15 cluding any interest accrued thereon, may be used on be-
 16 half of eligible District of Columbia residents to pay an
 17 amount based upon the difference between in-State and
 18 out-of-State tuition at public institutions of higher edu-
 19 cation, or to pay up to \$2,500 each year at eligible private
 20 institutions of higher education: *Provided further*, That the
 21 awarding of such funds may be prioritized on the basis
 22 of a resident’s academic merit, the income and need of
 23 eligible students and such other factors as may be author-
 24 ized: *Provided further*, That the District of Columbia gov-
 25 ernment shall maintain a dedicated account for the Resi-

1 dent Tuition Support Program that shall consist of the
 2 Federal funds appropriated to the Program in this Act
 3 and any subsequent appropriations, any unobligated bal-
 4 ances from prior fiscal years, and any interest earned in
 5 this or any fiscal year: *Provided further*, That the account
 6 shall be under the control of the District of Columbia
 7 Chief Financial Officer, who shall use those funds solely
 8 for the purposes of carrying out the Resident Tuition Sup-
 9 port Program: *Provided further*, That the Office of the
 10 Chief Financial Officer shall provide a quarterly financial
 11 report to the Committees on Appropriations of the House
 12 of Representatives and the Senate for these funds show-
 13 ing, by object class, the expenditures made and the pur-
 14 pose therefor.

15 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
 16 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

17 For a Federal payment of necessary expenses, as de-
 18 termined by the Mayor of the District of Columbia in writ-
 19 ten consultation with the elected county or city officials
 20 of surrounding jurisdictions, \$15,000,000, to remain
 21 available until expended and in addition any funds that
 22 remain available from prior year appropriations under this
 23 heading for the District of Columbia Government, for the
 24 costs of providing public safety at events related to the
 25 presence of the national capital in the District of Colum-

For salaries and expenses for the District of Columbia Courts, \$258,351,000 to be allocated as follows: for the District of Columbia Court of Appeals, \$12,998,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$110,149,000, of which not to exceed \$2,500 is for official reception and representation expenses; for the District of Columbia Court System, \$65,554,000, of which not to exceed \$2,500 is for official reception and representation expenses; and \$69,650,000, to remain available until September 30, 2012, for capital improvements for District of Columbia courthouse facilities, including structural improvements to the District of Columbia cell block at the Moultrie Courthouse, of which \$13,670,000 is for renovation of courtrooms and chambers in the Moultrie Courthouse: *Provided*, That funds made

1 available for capital improvements shall be expended con-
2 sistent with the General Services Administration (GSA)
3 master plan study and building evaluation report: *Pro-*
4 *vided further*, That notwithstanding any other provision
5 of law, all amounts under this heading shall be appor-
6 tioned quarterly by the Office of Management and Budget
7 and obligated and expended in the same manner as funds
8 appropriated for salaries and expenses of other Federal
9 agencies, with payroll and financial services to be provided
10 on a contractual basis with the GSA, and such services
11 shall include the preparation of monthly financial reports,
12 copies of which shall be submitted directly by GSA to the
13 President and to the Committees on Appropriations of the
14 House of Representatives and the Senate, the Committee
15 on Oversight and Government Reform of the House of
16 Representatives, and the Committee on Homeland Secu-
17 rity and Governmental Affairs of the Senate: *Provided fur-*
18 *ther*, That 30 days after providing written notice to the
19 Committees on Appropriations of the House of Represent-
20 atives and the Senate, the District of Columbia Courts
21 may reallocate not more than 10 percent of the funds pro-
22 vided under this heading among the items and entities
23 funded under this heading for operations but no such allo-
24 cation shall be increased by more than 10 percent.

1 FEDERAL PAYMENT FOR DEFENDER SERVICES IN
2 DISTRICT OF COLUMBIA COURTS

3 For payments authorized under section 11–2604 and
4 section 11–2605, D.C. Official Code (relating to represen-
5 tation provided under the District of Columbia Criminal
6 Justice Act), payments for counsel appointed in pro-
7 ceedings in the Family Court of the Superior Court of the
8 District of Columbia under chapter 23 of title 16, D.C.
9 Official Code, or pursuant to contractual agreements to
10 provide guardian ad litem representation, training, tech-
11 nical assistance, and such other services as are necessary
12 to improve the quality of guardian ad litem representation,
13 payments for counsel appointed in adoption proceedings
14 under chapter 3 of title 16, D.C. Official Code, and pay-
15 ments for counsel authorized under section 21–2060, D.C.
16 Official Code (relating to representation provided under
17 the District of Columbia Guardianship, Protective Pro-
18 ceedings, and Durable Power of Attorney Act of 1986),
19 \$55,000,000, to remain available until expended: *Pro-*
20 *vided*, That funds provided under this heading shall be ad-
21 ministered by the Joint Committee on Judicial Adminis-
22 tration in the District of Columbia: *Provided further*, That
23 notwithstanding any other provision of law, this appro-
24 priation shall be apportioned quarterly by the Office of
25 Management and Budget and obligated and expended in

1 the same manner as funds appropriated for expenses of
2 other Federal agencies, with payroll and financial services
3 to be provided on a contractual basis with the General
4 Services Administration (GSA), and such services shall in-
5 clude the preparation of monthly financial reports, copies
6 of which shall be submitted directly by GSA to the Presi-
7 dent and to the Committees on Appropriations of the
8 House of Representatives and the Senate, the Committee
9 on Oversight and Government Reform of the House of
10 Representatives, and the Committee on Homeland Secu-
11 rity and Governmental Affairs of the Senate.

12 FEDERAL PAYMENT TO THE COURT SERVICES AND OF-
13 FENDER SUPERVISION AGENCY FOR THE DISTRICT
14 OF COLUMBIA

15 For salaries and expenses, including the transfer and
16 hire of motor vehicles, of the Court Services and Offender
17 Supervision Agency for the District of Columbia, as au-
18 thorized by the National Capital Revitalization and Self-
19 Government Improvement Act of 1997, \$217,783,000, of
20 which not to exceed \$2,000 is for official reception and
21 representation expenses related to Community Supervision
22 and Pretrial Services Agency programs; of which not to
23 exceed \$25,000 is for dues and assessments relating to
24 the implementation of the Court Services and Offender
25 Supervision Agency Interstate Supervision Act of 2002;

1 of which \$1,000,000 shall remain available until Sep-
2 tember 30, 2013 for relocation of the Pretrial Services
3 Agency drug testing laboratory; of which \$156,472,000
4 shall be for necessary expenses of Community Supervision
5 and Sex Offender Registration, to include expenses relat-
6 ing to the supervision of adults subject to protection or-
7 ders or the provision of services for or related to such per-
8 sons; of which \$61,311,000 shall be available to the Pre-
9 trial Services Agency: *Provided*, That notwithstanding any
10 other provision of law, all amounts under this heading
11 shall be apportioned quarterly by the Office of Manage-
12 ment and Budget and obligated and expended in the same
13 manner as funds appropriated for salaries and expenses
14 of other Federal agencies: *Provided further*, That not less
15 than \$1,500,000 shall be available for re-entrant housing
16 in the District of Columbia: *Provided further*, That the Di-
17 rector is authorized to accept and use gifts in the form
18 of in-kind contributions of space and hospitality to support
19 offender and defendant programs, and equipment and vo-
20 cational training services to educate and train offenders
21 and defendants: *Provided further*, That the Director shall
22 keep accurate and detailed records of the acceptance and
23 use of any gift or donation under the previous proviso,
24 and shall make such records available for audit and public
25 inspection: *Provided further*, That the Court Services and

1 Offender Supervision Agency Director is authorized to ac-
2 cept and use reimbursement from the District of Columbia
3 Government for space and services provided on a cost re-
4 imbursable basis.

5 FEDERAL PAYMENT TO THE PUBLIC DEFENDER SERVICE
6 FOR THE DISTRICT OF COLUMBIA

7 For salaries and expenses, including the transfer and
8 hire of motor vehicles, of the District of Columbia Public
9 Defender Service, as authorized by the National Capital
10 Revitalization and Self-Government Improvement Act of
11 1997, \$40,690,000: *Provided*, That notwithstanding any
12 other provision of law, all amounts under this heading
13 shall be apportioned quarterly by the Office of Manage-
14 ment and Budget and obligated and expended in the same
15 manner as funds appropriated for salaries and expenses
16 of Federal agencies.

17 FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA
18 WATER AND SEWER AUTHORITY

19 For a Federal payment to the District of Columbia
20 Water and Sewer Authority, \$25,000,000, to remain avail-
21 able until expended, to continue implementation of the
22 Combined Sewer Overflow Long-Term Plan: *Provided*,
23 That the District of Columbia Water and Sewer Authority
24 provides a 100 percent match for this payment.

1 FEDERAL PAYMENT TO THE CRIMINAL JUSTICE

2 COORDINATING COUNCIL

3 For a Federal payment to the Criminal Justice Co-
4 ordinating Council, \$1,800,000, to remain available until
5 expended, to support initiatives related to the coordination
6 of Federal and local criminal justice resources in the Dis-
7 trict of Columbia.

8 FEDERAL PAYMENT FOR JUDICIAL COMMISSIONS

9 For a Federal payment, to remain available until
10 September 30, 2012, to the Commission on Judicial Dis-
11 abilities and Tenure, \$295,000, and for the Judicial Nomi-
12 nation Commission, \$205,000.

13 FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF

14 FINANCIAL OFFICER FOR THE DISTRICT OF COLUMBIA

15 For a Federal payment to the Office of the Chief Fi-
16 nancial Officer for the District of Columbia, \$1,000,000
17 for transfer to the Children's National Medical Center:
18 *Provided*, That each entity that receives funding under
19 this heading shall submit to the Office of the Chief Finan-
20 cial Officer for the District of Columbia (CFO), not later
21 than 60 days after enactment of this Act, a detailed budg-
22 et and comprehensive description of the activities to be
23 carried out with such funds, and the CFO shall submit
24 a comprehensive report to the Committees on Appropria-

1 tions of the House of Representatives and the Senate not
2 later than June 1, 2011.

3 FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

4 For a Federal payment for a school improvement pro-
5 gram in the District of Columbia, \$52,400,000, to be allo-
6 cated as follows: for the District of Columbia Public
7 Schools, \$23,000,000 to improve public school education
8 in the District of Columbia; for the State Education Of-
9 fice, \$20,000,000 to expand quality public charter schools
10 in the District of Columbia, to remain available until ex-
11 pended; for the Secretary of the Department of Education,
12 \$9,400,000 to provide opportunity scholarships for stu-
13 dents in the District of Columbia in accordance with title
14 III of division C of the District of Columbia Appropria-
15 tions Act, 2004 (Public Law 108–199; 118 Stat. 126),
16 to remain available until expended, of which up to
17 \$1,000,000 may be used to administer and fund assess-
18 ments: *Provided*, That notwithstanding the second proviso
19 under this heading in Public Law 111–8, funds provided
20 herein may only be used to provide opportunity scholar-
21 ships to students who received scholarships in the 2010–
22 2011 school year: *Provided further*, That funds available
23 under this heading for opportunity scholarships, including
24 from prior-year appropriations Acts, may be made avail-
25 able only for scholarships to students who received schol-

1 arships in the 2010–2011 school year: *Provided further*,
 2 That none of the funds provided in this Act or any other
 3 Act for opportunity scholarships may be used by an eligi-
 4 ble student to enroll in a participating school under the
 5 DC School Choice Incentive Act of 2003 unless (1) the
 6 participating school has and maintains a valid certificate
 7 of occupancy issued by the District of Columbia; (2) the
 8 core subject matter teachers of the eligible student hold
 9 4-year bachelor’s degrees; and (3) the participating school
 10 is in compliance with the accreditation and other stand-
 11 ards prescribed under the District of Columbia compulsory
 12 school attendance laws that apply to educational institu-
 13 tions not affiliated with the District of Columbia Public
 14 Schools: *Provided further*, That the Secretary of Education
 15 shall ensure that site inspections of participating schools
 16 are conducted at least twice annually.

17 FEDERAL PAYMENT TO JUMP START PUBLIC SCHOOL
 18 REFORM

19 For a Federal payment to jump start public school
 20 reform in the District of Columbia, \$20,000,000: *Pro-*
 21 *vided*, That any amount provided under this heading shall
 22 be available only after such amount has been apportioned
 23 pursuant to chapter 15 of title 31, United States Code.

1 FEDERAL PAYMENT FOR THE DISTRICT OF COLUMBIA

2 NATIONAL GUARD

3 For a Federal payment to the District of Columbia
 4 National Guard, \$1,375,000, to remain available until ex-
 5 pended for the District of Columbia National Guard, of
 6 which \$375,000 shall be available for the “Major General
 7 David F. Wherley, Jr. District of Columbia National
 8 Guard Retention and College Access Program”.

9 FEDERAL PAYMENT FOR HOUSING FOR THE HOMELESS

10 For a Federal payment to the District of Columbia,
 11 \$10,000,000, to remain available until September 30,
 12 2012, to support permanent supportive housing programs
 13 in the District.

14 FEDERAL PAYMENT FOR REDEVELOPMENT OF THE ST.

15 ELIZABETHS HOSPITAL CAMPUS

16 For a Federal payment to the District of Columbia,
 17 \$2,000,000, for planning activities to support redevelop-
 18 ment efforts at the site of the former St. Elizabeths Hos-
 19 pital in the District of Columbia.

20 FEDERAL PAYMENT FOR HIV/AIDS PREVENTION

21 For a Federal payment to the District of Columbia,
 22 \$3,000,000, to support initiatives designed to reduce the
 23 incidence of human immunodeficiency virus and acquired
 24 immunodeficiency syndrome in the District of Columbia.

DISTRICT OF COLUMBIA FUNDS

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the General Fund of the District of Columbia (“General Fund”), except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act, (114 Stat. 2440; D.C. Official Code, section 1–204.50a) and provisions of the Fiscal Year 2011 Budget Request Act of 2010, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2011 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$10,306,904,000 (of which \$5,788,584,000 shall be from local funds, (including \$402,685,000 from dedicated taxes), \$2,611,497,000 shall be from Federal grant funds, \$1,899,946,000 shall be from other funds, and \$6,877,000 shall be from private funds); in addition, \$167,175,000 from funds previously appropriated in this Act as Federal payments, which does not include funds appropriated under the American Recovery and Reinvestment Act of 2009 (123 Stat. 115; 26 U.S.C. § 1 note): *Provided further*, That of the local funds, such amounts as may be necessary may be derived from the District’s General

1 Fund balance: *Provided further*, That of these funds the
2 District's intradistrict authority shall be \$567,683,000: in
3 addition for capital construction projects, an increase of
4 \$1,386,420,000, of which \$1,117,090,000 shall be from
5 local funds, \$46,350,000 from the District of Columbia
6 Highway Trust fund, \$32,523,000 from the Local Street
7 Maintenance fund, \$190,457,000 from Federal grant
8 funds, and a rescission of \$741,735,000 from local funds
9 and a rescission of \$145,874,000 from Local Street Main-
10 tenance funds appropriated under this heading in prior
11 fiscal years for a net amount of \$498,811,000, to remain
12 available until expended: *Provided further*, That the
13 amounts provided under this heading are to be available,
14 allocated and expended as proposed under title III of the
15 Fiscal Year 2011 Budget Request Act of 2010 at the rate
16 set forth under "District of Columbia Funds Division of
17 Expenses" of the Fiscal Year 2011 Proposed Budget and
18 Financial Plan submitted to the Congress of the United
19 States by the District of Columbia: *Provided further*, That
20 this amount may be increased by proceeds of one-time
21 transactions, which are expended for emergency or unan-
22 ticipated operating or capital needs: *Provided further*,
23 That such increases shall be approved by enactment of
24 local District law and shall comply with all reserve require-
25 ments contained in the District of Columbia Home Rule

1 Act (87 Stat. 777; D.C. Official Code sec. 1–201.01 et
 2 seq.): *Provided further*, That the Chief Financial Officer
 3 of the District of Columbia shall take such steps as are
 4 necessary to assure that the District of Columbia meets
 5 these requirements, including the apportioning by the
 6 Chief Financial Officer of the appropriations and funds
 7 made available to the District during fiscal year 2011, ex-
 8 cept that the Chief Financial Officer may not reprogram
 9 for operating expenses any funds derived from bonds,
 10 notes, or other obligations issued for capital projects.

11 This title may be cited as the “District of Columbia
 12 Appropriations Act, 2011”.

13 TITLE V

14 INDEPENDENT AGENCIES

15 ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

16 SALARIES AND EXPENSES

17 For necessary expenses of the Administrative Con-
 18 ference of the United States, authorized by 5 U.S.C. 591
 19 et seq., \$3,200,000, of which not to exceed \$1,000 is for
 20 official reception and representation expenses.

21 CHRISTOPHER COLUMBUS FELLOWSHIP FOUNDATION

22 SALARIES AND EXPENSES

23 For payment to the Christopher Columbus Fellow-
 24 ship Foundation, established by section 423 of Public Law
 25 102–281, \$750,000, to remain available until expended.

1 COMMODITY FUTURES TRADING COMMISSION

2 For necessary expenses to carry out the provisions
3 of the Commodity Exchange Act (7 U.S.C. 1 et seq.), in-
4 cluding the purchase and hire of passenger motor vehicles,
5 and the rental of space (to include multiple year leases)
6 in the District of Columbia and elsewhere, \$286,000,000,
7 of which \$227,000,000 shall remain available until Sep-
8 tember 30, 2012, including not to exceed \$3,000 for offi-
9 cial reception and representation expenses, and not to ex-
10 ceed \$25,000 for the expenses for consultations and meet-
11 ings hosted by the Commission with foreign governmental
12 and other regulatory officials, and of which \$59,000,000
13 shall remain available for information technology invest-
14 ments until September 30, 2013.

15 CONSUMER PRODUCT SAFETY COMMISSION

16 SALARIES AND EXPENSES

17 For necessary expenses of the Consumer Product
18 Safety Commission, including hire of passenger motor ve-
19 hicles, services as authorized by 5 U.S.C. 3109, but at
20 rates for individuals not to exceed the per diem rate equiv-
21 alent to the maximum rate payable under 5 U.S.C. 5376,
22 purchase of nominal awards to recognize non-Federal offi-
23 cials' contributions to Commission activities, and not to
24 exceed \$2,000 for official reception and representation ex-
25 penses, \$118,600,000.

1 ELECTION ASSISTANCE COMMISSION

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary expenses to carry out the Help Amer-
5 ica Vote Act of 2002 (Public Law 107–252), \$16,800,000,
6 of which \$3,250,000 shall be transferred to the National
7 Institute of Standards and Technology for election reform
8 activities authorized under the Help America Vote Act of
9 2002.

10 FEDERAL COMMUNICATIONS COMMISSION

11 SALARIES AND EXPENSES

12 For necessary expenses of the Federal Communica-
13 tions Commission, as authorized by law, including uni-
14 forms and allowances therefor, as authorized by 5 U.S.C.
15 5901–5902; not to exceed \$4,000 for official reception and
16 representation expenses; purchase and hire of motor vehi-
17 cles; special counsel fees; and services as authorized by
18 5 U.S.C. 3109, \$355,500,000: *Provided*, That
19 \$355,500,000 of offsetting collections shall be assessed
20 and collected pursuant to section 9 of title I of the Com-
21 munications Act of 1934, shall be retained and used for
22 necessary expenses in this appropriation, and shall remain
23 available until expended: *Provided further*, That the sum
24 herein appropriated shall be reduced as such offsetting
25 collections are received during fiscal year 2011 so as to

1 result in a final fiscal year 2011 appropriation estimated
 2 at \$0: *Provided further*, That any offsetting collections re-
 3 ceived in excess of \$355,500,000 in fiscal year 2011 shall
 4 not be available for obligation: *Provided further*, That re-
 5 maining offsetting collections from prior years collected in
 6 excess of the amount specified for collection in each such
 7 year and otherwise becoming available on October 1, 2010,
 8 shall not be available for obligation: *Provided further*, That
 9 notwithstanding 47 U.S.C. 309(j)(8)(B), proceeds from
 10 the use of a competitive bidding system that may be re-
 11 tained and made available for obligation shall not exceed
 12 \$85,000,000 for fiscal year 2011: *Provided further*, That
 13 of the amount appropriated under this heading, not less
 14 than \$9,345,217 shall be for the salaries and expenses of
 15 the Office of Inspector General.

16 ADMINISTRATIVE PROVISIONS—FEDERAL

17 COMMUNICATIONS COMMISSION

18 SEC. 501. Section 302 of the Universal Service
 19 Antideficiency Temporary Suspension Act is amended by
 20 striking “December 31, 2010”, each place it appears and
 21 inserting “December 31, 2011”.

22 SEC. 502. None of the funds appropriated by this Act
 23 may be used by the Federal Communications Commission
 24 to modify, amend, or change its rules or regulations for
 25 universal service support payments to implement the Feb-

1 ruary 27, 2004 recommendations of the Federal-State
 2 Joint Board on Universal Service regarding single connec-
 3 tion or primary line restrictions on universal service sup-
 4 port payments.

5 FEDERAL DEPOSIT INSURANCE CORPORATION

6 OFFICE OF THE INSPECTOR GENERAL

7 For necessary expenses of the Office of Inspector
 8 General in carrying out the provisions of the Inspector
 9 General Act of 1978, \$47,916,000, to be derived from the
 10 Deposit Insurance Fund or, only when appropriate, the
 11 FSLIC Resolution Fund.

12 FEDERAL ELECTION COMMISSION

13 SALARIES AND EXPENSES

14 For necessary expenses to carry out the provisions
 15 of the Federal Election Campaign Act of 1971,
 16 \$70,800,000, of which not to exceed \$5,000 shall be avail-
 17 able for reception and representation expenses.

18 FEDERAL LABOR RELATIONS AUTHORITY

19 SALARIES AND EXPENSES

20 For necessary expenses to carry out functions of the
 21 Federal Labor Relations Authority, pursuant to Reorga-
 22 nization Plan Numbered 2 of 1978, and the Civil Service
 23 Reform Act of 1978, including services authorized by 5
 24 U.S.C. 3109, and including hire of experts and consult-
 25 ants, hire of passenger motor vehicles, and rental of con-

ference rooms in the District of Columbia and elsewhere,
 \$26,000,000: *Provided*, That public members of the Fed-
 eral Service Impasses Panel may be paid travel expenses
 and per diem in lieu of subsistence as authorized by law
 (5 U.S.C. 5703) for persons employed intermittently in
 the Government service, and compensation as authorized
 by 5 U.S.C. 3109: *Provided further*, That notwithstanding
 31 U.S.C. 3302, funds received from fees charged to non-
 Federal participants at labor-management relations con-
 ferences shall be credited to and merged with this account,
 to be available without further appropriation for the costs
 of carrying out these conferences.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Com-
 mission, including uniforms or allowances therefor, as au-
 thorized by 5 U.S.C. 5901–5902; services as authorized
 by 5 U.S.C. 3109; hire of passenger motor vehicles; and
 not to exceed \$2,000 for official reception and representa-
 tion expenses, \$314,000,000, to remain available until ex-
 pended: *Provided*, That not to exceed \$300,000 shall be
 available for use to contract with a person or persons for
 collection services in accordance with the terms of 31
 U.S.C. 3718: *Provided further*, That, notwithstanding any
 other provision of law, not to exceed \$96,000,000 of off-

1 setting collections derived from fees collected for
2 premerger notification filings under the Hart-Scott-Ro-
3 dino Antitrust Improvements Act of 1976 (15 U.S.C.
4 18a), regardless of the year of collection, shall be retained
5 and used for necessary expenses in this appropriation:
6 *Provided further*, That, notwithstanding any other provi-
7 sion of law, not to exceed \$21,000,000 in offsetting collec-
8 tions derived from fees sufficient to implement and enforce
9 the Telemarketing Sales Rule, promulgated under the
10 Telemarketing and Consumer Fraud and Abuse Preven-
11 tion Act (15 U.S.C. 6101 et seq.), shall be credited to this
12 account, and be retained and used for necessary expenses
13 in this appropriation: *Provided further*, That the sum here-
14 in appropriated from the general fund shall be reduced
15 as such offsetting collections are received during fiscal
16 year 2011, so as to result in a final fiscal year 2011 appro-
17 priation from the general fund estimated at not more than
18 \$197,000,000: *Provided further*, That none of the funds
19 made available to the Federal Trade Commission may be
20 used to implement subsection (e)(2)(B) of section 43 of
21 the Federal Deposit Insurance Act (12 U.S.C. 1831t).

1 GENERAL SERVICES ADMINISTRATION

2 REAL PROPERTY ACTIVITIES

3 FEDERAL BUILDINGS FUND

4 LIMITATIONS ON AVAILABILITY OF REVENUE

5 For an additional amount to be deposited in the Fed-
6 eral Buildings Fund, \$296,800,000. Amounts in the
7 Fund, including revenues and collections deposited into
8 the Fund shall be available for necessary expenses of real
9 property management and related activities not otherwise
10 provided for, including operation, maintenance, and pro-
11 tection of federally owned and leased buildings; rental of
12 buildings in the District of Columbia; restoration of leased
13 premises; moving governmental agencies (including space
14 adjustments and telecommunications relocation expenses)
15 in connection with the assignment, allocation and transfer
16 of space; contractual services incident to cleaning or serv-
17 icing buildings, and moving; repair and alteration of feder-
18 ally owned buildings including grounds, approaches and
19 appurtenances; care and safeguarding of sites; mainte-
20 nance, preservation, demolition, and equipment; acquisi-
21 tion of buildings and sites by purchase, condemnation, or
22 as otherwise authorized by law; acquisition of options to
23 purchase buildings and sites; conversion and extension of
24 federally owned buildings; preliminary planning and de-
25 sign of projects by contract or otherwise; construction of

1 new buildings (including equipment for such buildings);
2 and payment of principal, interest, and any other obliga-
3 tions for public buildings acquired by installment purchase
4 and purchase contract; in the aggregate amount of
5 \$9,158,563,000, of which: (1) \$768,362,000 shall remain
6 available until expended for construction and acquisition
7 (including funds for sites and expenses and associated de-
8 sign and construction services) of additional projects at
9 the following locations:

10 New Construction:

11 California:

12 Calexico, Calexico West, Land Port of
13 Entry, \$84,359,000.

14 Los Angeles, United States Courthouse,
15 \$92,000,000.

16 Colorado:

17 Lakewood, Denver Federal Center Remedi-
18 ation, \$7,957,000.

19 District of Columbia:

20 Washington, St. Elizabeths DHS Consoli-
21 dation and Development, \$267,675,000.

22 Washington, St. Elizabeths West Campus
23 Infrastructure, \$99,281,000.

24 Washington, St. Elizabeths Historic Pres-
25 ervation Mitigation, \$4,990,000.

1 Washington, St. Elizabeths Highway Inter-
2 change \$8,350,000.

3 Maine:

4 Calais, Ferry Point Land Port of Entry,
5 \$1,552,000.

6 Maryland:

7 White Oak, Food and Drug Administration
8 Consolidation, \$173,773,000.

9 Michigan:

10 Detroit, P. V. McNamara Federal Building
11 FBI Garage, \$3,658,000.

12 West Virginia:

13 Martinsburg, IRS Annex, \$24,767,000:

14 *Provided*, That, for the new courthouse project in Salt
15 Lake City, Utah, for which funds have been appropriated
16 in Public Law 111–117 and other Acts, the total esti-
17 mated cost, exclusive of any permitted escalations, shall
18 not exceed \$185,700,000: *Provided further*, That each of
19 the foregoing limits of costs on new construction projects
20 may be exceeded to the extent that savings are effected
21 in other such projects, but not to exceed 10 percent of
22 the amounts included in an approved prospectus, if re-
23 quired, unless advance approval is obtained from the Com-
24 mittees on Appropriations of a greater amount: *Provided*
25 *further*, That all funds for direct construction projects

1 shall expire on September 30, 2012 and remain in the
2 Federal Buildings Fund except for funds for projects as
3 to which funds for design or other funds have been obli-
4 gated in whole or in part prior to such date; (2)
5 \$716,367,000 shall remain available until expended for re-
6 pairs and alterations, which includes associated design and
7 construction services:

8 Repairs and Alterations:

9 California:

10 Los Angeles, Federal Building/Parking Ga-
11 rage, \$51,217,000.

12 Richmond, Frank Hagel Federal Building,
13 \$113,620,000.

14 San Diego, Edward J. Schwartz United
15 States Courthouse and Federal Building,
16 \$22,336,000.

17 Van Nuys, James C. Corman Federal
18 Building, \$11,039,000.

19 District of Columbia:

20 Washington, E. Barrett Prettyman United
21 States Courthouse, \$22,900,000.

22 Washington, West Wing Design Phase II,
23 \$6,245,000.

24 Indiana:

1 Indianapolis, Major General Emmett J.
2 Bean Federal Center, \$65,813,000.

3 New York:

4 New York, Daniel Patrick Moynihan
5 United States Courthouse, \$28,000,000.

6 Special Emphasis Programs:

7 Energy and Water Retrofit and Conserva-
8 tion Measures, \$20,000,000.

9 Fire Prevention Program, \$20,000,000.

10 Wellness and Fitness Program,
11 \$7,000,000.

12 Judiciary Capital Security Program,
13 \$35,000,000.

14 Basic Repairs and Alterations,
15 \$313,197,000:

16 *Provided further*, That funds made available in this or any
17 previous Act in the Federal Buildings Fund for Repairs
18 and Alterations shall, for prospectus projects, be limited
19 to the amount identified for each project, except each
20 project in this or any previous Act may be increased by
21 an amount not to exceed 10 percent unless advance ap-
22 proval is obtained from the Committees on Appropriations
23 of a greater amount: *Provided further*, That additional
24 projects for which prospectuses have been fully approved
25 may be funded under this category only if advance ap-

1 proval is obtained from the Committees on Appropria-
2 tions: *Provided further*, That the amounts provided in this
3 or any prior Act for “Repairs and Alterations” may be
4 used to fund costs associated with implementing security
5 improvements to buildings necessary to meet the minimum
6 standards for security in accordance with current law and
7 in compliance with the reprogramming guidelines of the
8 appropriate Committees of the House and Senate: *Pro-*
9 *vided further*, That the difference between the funds ap-
10 propriated and expended on any projects in this or any
11 prior Act, under the heading “Repairs and Alterations”,
12 may be transferred to Basic Repairs and Alterations or
13 used to fund authorized increases in prospectus projects:
14 *Provided further*, That all funds for repairs and alterations
15 prospectus projects shall expire on September 30, 2012
16 and remain in the Federal Buildings Fund except funds
17 for projects as to which funds for design or other funds
18 have been obligated in whole or in part prior to such date:
19 *Provided further*, That the amount provided in this or any
20 prior Act for Basic Repairs and Alterations may be used
21 to pay claims against the Government arising from any
22 projects under the heading “Repairs and Alterations” or
23 used to fund authorized increases in prospectus projects;
24 (3) \$135,540,000 for installment acquisition payments in-
25 cluding payments on purchase contracts which shall re-

1 main available until expended; (4) \$5,216,946,000 for
2 rental of space which shall remain available until ex-
3 pended; and (5) \$2,321,348,000 for building operations
4 which shall remain available until expended: *Provided fur-*
5 *ther*, That funds available to the General Services Admin-
6 istration shall not be available for expenses of any con-
7 struction, repair, alteration and acquisition project for
8 which a prospectus, if required by 40 U.S.C. 3307(a), has
9 not been approved, except that necessary funds may be
10 expended for each project for required expenses for the
11 development of a proposed prospectus: *Provided further*,
12 That funds available in the Federal Buildings Fund may
13 be expended for emergency repairs when advance approval
14 is obtained from the Committees on Appropriations: *Pro-*
15 *vided further*, That amounts necessary to provide reim-
16 bursable special services to other agencies under 40 U.S.C.
17 592(b)(2) and amounts to provide such reimbursable fenc-
18 ing, lighting, guard booths, and other facilities on private
19 or other property not in Government ownership or control
20 as may be appropriate to enable the United States Secret
21 Service to perform its protective functions pursuant to 18
22 U.S.C. 3056, shall be available from such revenues and
23 collections: *Provided further*, That revenues and collections
24 and any other sums accruing to this Fund during fiscal
25 year 2011, excluding reimbursements under 40 U.S.C.

1 592(b)(2) in excess of the aggregate new obligational au-
 2 thority authorized for Real Property Activities of the Fed-
 3 eral Buildings Fund in this Act shall remain in the Fund
 4 and shall not be available for expenditure except as au-
 5 thorized in appropriations Acts.

6 GENERAL ACTIVITIES

7 GOVERNMENT-WIDE POLICY

8 For expenses authorized by law, not otherwise pro-
 9 vided for, for Government-wide policy and evaluation ac-
 10 tivities associated with the management of real and per-
 11 sonal property assets and certain administrative services;
 12 Government-wide policy support responsibilities relating to
 13 acquisition, telecommunications, information technology
 14 management, and related technology activities; and serv-
 15 ices as authorized by 5 U.S.C. 3109; \$77,621,000, of
 16 which \$2,000,000 shall be available for the Office of Fed-
 17 eral High Performance Green Buildings.

18 OPERATING EXPENSES

19 For expenses authorized by law, not otherwise pro-
 20 vided for, for Government-wide activities associated with
 21 utilization and donation of surplus personal property; dis-
 22 posal of real property; agency-wide policy direction, man-
 23 agement, and communications; the Civilian Board of Con-
 24 tract Appeals; services as authorized by 5 U.S.C. 3109;

1 and not to exceed \$7,500 for official reception and rep-
 2 resentation expenses; \$72,203,000.

3 OFFICE OF INSPECTOR GENERAL

4 For necessary expenses of the Office of Inspector
 5 General and service authorized by 5 U.S.C. 3109,
 6 \$61,025,000: *Provided*, That not to exceed \$15,000 shall
 7 be available for payment for information and detection of
 8 fraud against the Government, including payment for re-
 9 covery of stolen Government property: *Provided further*,
 10 That not to exceed \$2,500 shall be available for awards
 11 to employees of other Federal agencies and private citizens
 12 in recognition of efforts and initiatives resulting in en-
 13 hanced Office of Inspector General effectiveness.

14 ELECTRONIC GOVERNMENT FUND

15 (INCLUDING TRANSFER OF FUNDS)

16 For necessary expenses in support of interagency
 17 projects that enable the Federal Government to expand
 18 its ability to conduct activities electronically, through the
 19 development and implementation of innovative uses of the
 20 Internet and other electronic methods, \$20,000,000, to re-
 21 main available until expended: *Provided*, That these funds
 22 may be transferred to Federal agencies to carry out the
 23 purpose of the Fund: *Provided further*, That this transfer
 24 authority shall be in addition to any other transfer author-
 25 ity provided in this Act: *Provided further*, That such trans-

7 For carrying out the provisions of the Act of August
8 25, 1958 (3 U.S.C. 102 note), and Public Law 95-138,
9 \$3,907,000.

For necessary expenses in support of government-wide investments in the capacity and capabilities of the acquisition workforce, \$17,000,000; of which \$4,000,000 shall be available for salaries, curriculum development, competency management, certification management and career management; of which \$2,000,000 shall be available for the management of acquisition workforce data and information technology needs related to the acquisition workforce initiative; of which \$2,000,000 shall be available to conduct a study of current and future acquisition workforce needs; of which \$3,000,000 shall be for human capital support; and of which \$6,000,000 shall be available to create and maintain the contractor inventory database required by section 743 of Public Law 111-117: *Provided*, That up to 25 percent of the total amount ap-

1 appropriated herein may be transferred among such appro-
2 priations: *Provided further*, That these funds shall be ad-
3 ministered by the Administrator of General Services, as
4 approved by the Director of the Office of Management and
5 Budget: *Provided further*, That such funds may be trans-
6 ferred to Federal agencies, as approved by the Director
7 of the Office of Management and Budget, to carry out
8 the purposes provided herein: *Provided further*, That this
9 transfer authority is in addition to any other transfer au-
10 thority provided in this Act.

11 FEDERAL CITIZEN SERVICES FUND

12 For necessary expenses of the Office of Citizen Serv-
13 ices, including services authorized by 5 U.S.C. 3109,
14 \$36,825,000, to be deposited into the Federal Citizen
15 Services Fund: *Provided*, That the appropriations, reve-
16 nues, and collections deposited into the Fund shall be
17 available for necessary expenses of Federal Citizen Serv-
18 ices activities in the aggregate amount not to exceed
19 \$100,000,000. Appropriations, revenues, and collections
20 accruing to this Fund during fiscal year 2011 in excess
21 of such amount shall remain in the Fund and shall not
22 be available for expenditure except as authorized in appro-
23 priations Acts.

1 ADMINISTRATIVE PROVISIONS—GENERAL SERVICES

2 ADMINISTRATION

3 (INCLUDING TRANSFERS OF FUNDS)

4 SEC. 510. Funds available to the General Services
5 Administration shall be available for the hire of passenger
6 motor vehicles.

7 SEC. 511. Funds in the Federal Buildings Fund
8 made available for fiscal year 2011 for Federal Buildings
9 Fund activities may be transferred between such activities
10 only to the extent necessary to meet program require-
11 ments: *Provided*, That any proposed transfers shall be ap-
12 proved in advance by the Committees on Appropriations
13 of the House of Representatives and the Senate.

14 SEC. 512. Except as otherwise provided in this title,
15 funds made available by this Act shall be used to transmit
16 a fiscal year 2012 request for United States Courthouse
17 construction only if the request: (1) meets the design guide
18 standards for construction as established and approved by
19 the General Services Administration, the Judicial Con-
20 ference of the United States, and the Office of Manage-
21 ment and Budget; (2) reflects the priorities of the Judicial
22 Conference of the United States as set out in its approved
23 5-year construction plan; and (3) includes a standardized
24 courtroom utilization study of each facility to be con-
25 structed, replaced, or expanded.

1 SEC. 513. None of the funds provided in this Act may
2 be used to increase the amount of occupiable square feet,
3 provide cleaning services, security enhancements, or any
4 other service usually provided through the Federal Build-
5 ings Fund, to any agency that does not pay the rate per
6 square foot assessment for space and services as deter-
7 mined by the General Services Administration in compli-
8 ance with the Public Buildings Amendments Act of 1972
9 (Public Law 92–313).

10 SEC. 514. From funds made available under the
11 heading “Federal Buildings Fund, Limitations on Avail-
12 ability of Revenue”, claims against the Government of less
13 than \$250,000 arising from direct construction projects
14 and acquisition of buildings may be liquidated from sav-
15 ings effected in other construction projects with prior noti-
16 fication to the Committees on Appropriations of the House
17 of Representatives and the Senate.

18 SEC. 515. In any case in which the Committee on
19 Transportation and Infrastructure of the House of Rep-
20 resentatives and the Committee on Environment and Pub-
21 lic Works of the Senate adopt a resolution granting lease
22 authority pursuant to a prospectus transmitted to Con-
23 gress by the Administrator of the General Services Admin-
24 istration under 40 U.S.C. 3307, the Administrator shall
25 ensure that the delineated area of procurement is identical

1 to the delineated area included in the prospectus for all
2 lease agreements, except that, if the Administrator deter-
3 mines that the delineated area of the procurement should
4 not be identical to the delineated area included in the pro-
5 spectus, the Administrator shall provide an explanatory
6 statement to each of such committees and the Committees
7 on Appropriations of the House of Representatives and the
8 Senate prior to exercising any lease authority provided in
9 the resolution.

10 SEC. 516. In furtherance of the emergency manage-
11 ment policy set forth in the Robert T. Stafford Disaster
12 Relief and Emergency Assistance Act, the Administrator
13 of the General Services Administration may provide for
14 the use of the Federal supply schedules of the General
15 Services Administration by relief and disaster assistance
16 organizations as described in section 309 of that Act. Pur-
17 chases under this authority shall be limited to use in prep-
18 aration for, response to, and recovery from hazards as de-
19 fined in section 602 of that Act.

20 SEC. 517. Section 37 of the Office of Federal Pro-
21 curement Policy Act (41 U.S.C. 433), as amended, is fur-
22 ther amended in paragraph (h)(3)(E) by:

23 (1) deleting “for training”; and

1 (2) deleting “subparagraph (A)” and inserting
2 in lieu thereof “subparagraphs (A) and (C) to (J) of
3 section 405(d)(5) of this title”.

4 SEC. 518. (a) The Administrator of General Services
5 (Administrator), through a deed of release or other appro-
6 priate instrument, may release to the city of Tracy, Cali-
7 fornia (the City) the reversionary interests retained by the
8 United States, and all other terms, conditions, reserva-
9 tions, and restrictions imposed, in connection with the con-
10 veyance of the 200 acres conveyed pursuant to Public Law
11 105–277 section 140, as amended by Public Law 106–
12 31 section 3034 and Public Law 108–199 section 411.
13 The exact acreage and legal description of the parcel to
14 be released under subsection (a) shall be determined by
15 a survey that is satisfactory to the Administrator.

16 (b) As consideration for such release authorized
17 under subsection (a), the City shall pay to the Adminis-
18 trator an amount not less than the property’s appraised
19 Fair Market Value as determined by the Administrator.
20 The determination of the Administrator is final. The Ad-
21 ministrator shall determine the property’s Fair Market
22 Value through an appraisal conducted by a licensed, inde-
23 pendent appraiser. The appraisal shall be based on the
24 property’s highest and best use.

1 (c) As soon as practicable, but not more than 180
2 days after enactment of this Act, the City shall enter into
3 a binding agreement with the Administrator for the con-
4 veyance described in subsection (a) of this section. The
5 net proceeds from sale shall be deposited into the Federal
6 Buildings Fund established under section 592 of title 40
7 of the United States Code.

8 (d) The City shall be responsible for reimbursing the
9 Administrator for the costs associated with implementing
10 this section, including the costs of appraisal and survey.
11 The Administrator may require such additional terms and
12 conditions in connection with the release under subsection
13 (a) as the Administrator considers appropriate to protect
14 the interests of the United States.

15 SEC. 519. Funds made available to the General Serv-
16 ices Administration in Public Law 111–5 for deposit in
17 the Federal Buildings Fund shall remain available until
18 expended to fund authorized increases or costs arising
19 from any projects identified in the detailed plan submitted
20 by the General Services Administration pursuant to that
21 Act: *Provided*, That the Administrator of General Services
22 shall obtain the advance approval of the Committees on
23 Appropriations for any project cost increase in an amount
24 greater than 10 percent.

1 HARRY S TRUMAN SCHOLARSHIP FOUNDATION

2 SALARIES AND EXPENSES

3 For payment to the Harry S Truman Scholarship
4 Foundation Trust Fund, established by section 10 of Pub-
5 lic Law 93-642, \$950,000, to remain available until ex-
6 pended.

7 MERIT SYSTEMS PROTECTION BOARD

8 SALARIES AND EXPENSES

9 (INCLUDING TRANSFER OF FUNDS)

10 For necessary expenses to carry out functions of the
11 Merit Systems Protection Board pursuant to Reorganiza-
12 tion Plan Numbered 2 of 1978, the Civil Service Reform
13 Act of 1978, and the Whistleblower Protection Act of
14 1989 (5 U.S.C. 5509 note), including services as author-
15 ized by 5 U.S.C. 3109, rental of conference rooms in the
16 District of Columbia and elsewhere, hire of passenger
17 motor vehicles, direct procurement of survey printing, and
18 not to exceed \$2,000 for official reception and representa-
19 tion expenses, \$41,621,000 together with not to exceed
20 \$2,579,000 for administrative expenses to adjudicate re-
21 tirement appeals to be transferred from the Civil Service
22 Retirement and Disability Fund in amounts determined
23 by the Merit Systems Protection Board.

1 MORRIS K. UDALL AND STEWART L. UDALL
 2 FOUNDATION

3 MORRIS K. UDALL AND STEWART L. UDALL TRUST FUND
 4 (INCLUDING TRANSFER OF FUNDS)

5 For payment to the Morris K. Udall and Stewart L.
 6 Udall Trust Fund, pursuant to the Morris K. Udall and
 7 Stewart L. Udall Foundation Act (20 U.S.C. 5601 et
 8 seq.), \$3,000,000, to remain available until expended, of
 9 which up to \$50,000 shall be used to conduct financial
 10 audits pursuant to the Accountability of Tax Dollars Act
 11 of 2002 (Public Law 107–289) notwithstanding sections
 12 8 and 9 of Public Law 102–259: *Provided*, That up to
 13 60 percent of such funds may be transferred by the Morris
 14 K. Udall and Stewart L. Udall Foundation for the nec-
 15 essary expenses of the Native Nations Institute.

16 ENVIRONMENTAL DISPUTE RESOLUTION FUND

17 For payment to the Environmental Dispute Resolu-
 18 tion Fund to carry out activities authorized in the Envi-
 19 ronmental Policy and Conflict Resolution Act of 1998,
 20 \$3,800,000, to remain available until expended.

21 NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

22 OPERATING EXPENSES

23 For necessary expenses in connection with the admin-
 24 istration of the National Archives and Records Adminis-
 25 tration (including the Information Security Oversight Of-

1 fice) and archived Federal records and related activities,
 2 as provided by law, and for expenses necessary for the re-
 3 view and declassification of documents and the activities
 4 of the Public Interest Declassification Board, and for the
 5 hire of passenger motor vehicles, and for uniforms or al-
 6 lowances therefor, as authorized by law (5 U.S.C. 5901
 7 et seq.), including maintenance, repairs, and cleaning,
 8 \$348,689,000, of which not less than \$3,000,000 shall be
 9 available for the salaries and expenses of the Office of
 10 Government Information Services.

11 OFFICE OF INSPECTOR GENERAL

12 For necessary expenses of the Office of Inspector
 13 General in carrying out the provisions of the Inspector
 14 General Reform Act of 2008, Public Law 110–409, 122
 15 Stat. 4302–16 (2008), and the Inspector General Act of
 16 1978 (5 U.S.C. App.), and for the hire of passenger motor
 17 vehicles, \$4,250,000.

18 ELECTRONIC RECORDS ARCHIVES

19 For necessary expenses in connection with the devel-
 20 opment of the electronic records archives, to include all
 21 direct project costs associated with research, analysis, de-
 22 sign, development, and program management,
 23 \$72,000,000, of which \$52,500,000 shall remain available
 24 until September 30, 2013: *Provided*, That none of the
 25 multi-year funds may be obligated until the National Ar-

1 chives and Records Administration submits to the Com-
 2 mittees on Appropriations, and such Committees approve,
 3 a plan for expenditure that: (1) meets the capital planning
 4 and investment control review requirements established by
 5 the Office of Management and Budget, including Circular
 6 A-11; (2) complies with the National Archives and
 7 Records Administration's enterprise architecture; (3) con-
 8 forms with the National Archives and Records Adminis-
 9 tration's enterprise life cycle methodology; (4) is approved
 10 by the National Archives and Records Administration and
 11 the Office of Management and Budget; (5) has been re-
 12 viewed by the Government Accountability Office; and (6)
 13 complies with the acquisition rules, requirements, guide-
 14 lines, and systems acquisition management practices of
 15 the Federal Government.

16 REPAIRS AND RESTORATION

17 For the repair, alteration, and improvement of ar-
 18 chives facilities, and to provide adequate storage for hold-
 19 ings, \$11,848,000, to remain available until expended:
 20 *Provided*, That language under the heading "Repairs and
 21 Restoration" in Public Law 109-115 shall be amended by
 22 striking "of which \$1,500,000 is to construct a new re-
 23 gional archives and records facility in Anchorage, Alas-
 24 ka,": *Provided further*, That language under the heading
 25 "Repairs and Restoration" in Public Law 108-447 shall

1 be amended by striking “of which \$3,000,000 is for site
 2 preparation and construction management to construct a
 3 new regional archives and records facility in Anchorage,
 4 Alaska, and”.

5 NATIONAL HISTORICAL PUBLICATIONS AND RECORDS

6 COMMISSION

7 GRANTS PROGRAM

8 For necessary expenses for allocations and grants for
 9 historical publications and records as authorized by 44
 10 U.S.C. 2504, \$10,000,000, to remain available until ex-
 11 pended.

12 NATIONAL CREDIT UNION ADMINISTRATION

13 CENTRAL LIQUIDITY FACILITY

14 During fiscal year 2011, gross obligations of the Cen-
 15 tral Liquidity Facility for the principal amount of new di-
 16 rect loans to member credit unions, as authorized by 12
 17 U.S.C. 1795 et seq., shall be the amount authorized by
 18 section 307(a)(4)(A) of the Federal Credit Union Act (12
 19 U.S.C. 1795f(a)(4)(A)): *Provided*, That administrative ex-
 20 penses of the Central Liquidity Facility in fiscal year 2011
 21 shall not exceed \$1,250,000.

22 COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

23 For the Community Development Revolving Loan
 24 Fund program as authorized by 42 U.S.C. 9812, 9822
 25 and 9910, \$2,000,000 shall be available until September

1 30, 2012 for technical assistance to low-income designated
2 credit unions.

3 OFFICE OF GOVERNMENT ETHICS

4 SALARIES AND EXPENSES

5 For necessary expenses to carry out functions of the
6 Office of Government Ethics pursuant to the Ethics in
7 Government Act of 1978, and the Ethics Reform Act of
8 1989, including services as authorized by 5 U.S.C. 3109,
9 rental of conference rooms in the District of Columbia and
10 elsewhere, hire of passenger motor vehicles, and not to ex-
11 ceed \$1,500 for official reception and representation ex-
12 penses, \$14,227,000.

13 OFFICE OF PERSONNEL MANAGEMENT

14 SALARIES AND EXPENSES

15 (INCLUDING TRANSFER OF TRUST FUNDS)

16 For necessary expenses to carry out functions of the
17 Office of Personnel Management pursuant to Reorganiza-
18 tion Plan Numbered 2 of 1978 and the Civil Service Re-
19 form Act of 1978, including services as authorized by 5
20 U.S.C. 3109; medical examinations performed for veterans
21 by private physicians on a fee basis; rental of conference
22 rooms in the District of Columbia and elsewhere; hire of
23 passenger motor vehicles; not to exceed \$2,500 for official
24 reception and representation expenses; advances for reim-
25 bursements to applicable funds of the Office of Personnel

1 Management and the Federal Bureau of Investigation for
2 expenses incurred under Executive Order No. 10422 of
3 January 9, 1953, as amended; and payment of per diem
4 and/or subsistence allowances to employees where Voting
5 Rights Act activities require an employee to remain over-
6 night at his or her post of duty, \$96,439,000, of which
7 \$670,210 shall be available to increase the agency's acqui-
8 sition workforce capacity and capabilities; of which
9 \$6,004,000 shall remain available until September 30,
10 2012 for the Enterprise Human Resources Integration
11 project; \$1,416,000 shall remain available until September
12 30, 2012 for the Human Resources Line of Business
13 project; and in addition \$121,738,000 for administrative
14 expenses, to be transferred from the appropriate trust
15 funds of the Office of Personnel Management without re-
16 gard to other statutes, including direct procurement of
17 printed materials, for the retirement and insurance pro-
18 grams, of which not more than \$9,495,000 shall remain
19 available until September 30, 2012 for the cost of imple-
20 menting the new integrated financial system: *Provided*,
21 That the provisions of this appropriation shall not affect
22 the authority to use applicable trust funds as provided by
23 sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5,
24 United States Code: *Provided further*, That no part of this
25 appropriation shall be available for salaries and expenses

1 of the Legal Examining Unit of the Office of Personnel
2 Management established pursuant to Executive Order No.
3 9358 of July 1, 1943, or any successor unit of like pur-
4 pose: *Provided further*, That the President's Commission
5 on White House Fellows, established by Executive Order
6 No. 11183 of October 3, 1964, may, during fiscal year
7 2011, accept donations of money, property, and personal
8 services: *Provided further*, That such donations, including
9 those from prior years, may be used for the development
10 of publicity materials to provide information about the
11 White House Fellows, except that no such donations shall
12 be accepted for travel or reimbursement of travel expenses,
13 or for the salaries of employees of such Commission: *Pro-*
14 *vided further*, That funds to increase the agency's acquisi-
15 tion workforce capacity and capabilities shall be available
16 only to supplement and not to supplant existing acquisi-
17 tion workforce activities, and shall be available for train-
18 ing, recruitment, retention, and hiring additional members
19 of the acquisition workforce as defined by the Office of
20 Federal Procurement Policy Act, as amended (41 U.S.C.
21 401 et seq.): *Provided further*, That such acquisition work-
22 force funds shall be available for information technology
23 in support of acquisition workforce effectiveness or for
24 management solutions to improve acquisition manage-
25 ment: *Provided further*, That such acquisition workforce

1 improvement funds may be transferred by the Director of
 2 OPM to any other account in the agency to carry out the
 3 purposes provided herein: *Provided further*, That such
 4 transfer authority is in addition to any other transfer au-
 5 thority provided in this Act.

6 OFFICE OF INSPECTOR GENERAL

7 SALARIES AND EXPENSES

8 (INCLUDING TRANSFER OF TRUST FUNDS)

9 For necessary expenses of the Office of Inspector
 10 General in carrying out the provisions of the Inspector
 11 General Act of 1978, including services as authorized by
 12 5 U.S.C. 3109, hire of passenger motor vehicles,
 13 \$3,322,000, and in addition, not to exceed \$21,888,000
 14 for administrative expenses to audit, investigate, and pro-
 15 vide other oversight of the Office of Personnel Manage-
 16 ment's retirement and insurance programs, to be trans-
 17 ferred from the appropriate trust funds of the Office of
 18 Personnel Management, as determined by the Inspector
 19 General: *Provided*, That the Inspector General is author-
 20 ized to rent conference rooms in the District of Columbia
 21 and elsewhere.

22 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES

23 HEALTH BENEFITS

24 For payment of Government contributions with re-
 25 spect to retired employees, as authorized by chapter 89

1 of title 5, United States Code, and the Retired Federal
 2 Employees Health Benefits Act (74 Stat. 849), such sums
 3 as may be necessary.

4 GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE
 5 LIFE INSURANCE

6 For payment of Government contributions with re-
 7 spect to employees retiring after December 31, 1989, as
 8 required by chapter 87 of title 5, United States Code, such
 9 sums as may be necessary.

10 PAYMENT TO CIVIL SERVICE RETIREMENT AND
 11 DISABILITY FUND

12 For financing the unfunded liability of new and in-
 13 creased annuity benefits becoming effective on or after Oc-
 14 tober 20, 1969, as authorized by 5 U.S.C. 8348, and an-
 15 nuities under special Acts to be credited to the Civil Serv-
 16 ice Retirement and Disability Fund, such sums as may
 17 be necessary: *Provided*, That annuities authorized by the
 18 Act of May 29, 1944, and the Act of August 19, 1950
 19 (33 U.S.C. 771–775), may hereafter be paid out of the
 20 Civil Service Retirement and Disability Fund.

21 OFFICE OF SPECIAL COUNSEL

22 SALARIES AND EXPENSES

23 For necessary expenses to carry out functions of the
 24 Office of Special Counsel pursuant to Reorganization Plan
 25 Numbered 2 of 1978, the Civil Service Reform Act of

1 1978 (Public Law 95–454), the Whistleblower Protection
 2 Act of 1989 (Public Law 101–12), Public Law 107–304,
 3 and the Uniformed Services Employment and Reemploy-
 4 ment Rights Act of 1994 (Public Law 103–353), including
 5 services as authorized by 5 U.S.C. 3109, payment of fees
 6 and expenses for witnesses, rental of conference rooms in
 7 the District of Columbia and elsewhere, and hire of pas-
 8 senger motor vehicles; \$19,486,000.

9 POSTAL REGULATORY COMMISSION

10 SALARIES AND EXPENSES

11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses of the Postal Regulatory
 13 Commission in carrying out the provisions of the Postal
 14 Accountability and Enhancement Act (Public Law 109–
 15 435), \$14,450,000, to be derived by transfer from the
 16 Postal Service Fund and expended as authorized by sec-
 17 tion 603(a) of such Act.

18 PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD

19 SALARIES AND EXPENSES

20 For necessary expenses of the Privacy and Civil Lib-
 21 erties Oversight Board, as authorized by section 1061 of
 22 the Intelligence Reform and Terrorism Prevention Act of
 23 2004 (5 U.S.C. 601 note), \$1,500,000, to remain available
 24 until September 30, 2011.

1 SECURITIES AND EXCHANGE COMMISSION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Securities and Ex-
4 change Commission, including services as authorized by
5 5 U.S.C. 3109, the rental of space (to include multiple
6 year leases) in the District of Columbia and elsewhere, and
7 not to exceed \$3,500 for official reception and representa-
8 tion expenses, \$1,300,000,000, to remain available until
9 expended; of which not less than \$6,000,000 shall be for
10 the Office of Inspector General; of which not to exceed
11 \$30,000,000 may be used toward funding a permanent
12 secretariat for the International Organization of Securities
13 Commissions; of which not to exceed \$100,000 shall be
14 available for expenses for consultations and meetings
15 hosted by the Commission with foreign governmental and
16 other regulatory officials, members of their delegations,
17 appropriate representatives and staff to exchange views
18 concerning developments relating to securities matters, de-
19 velopment and implementation of cooperation agreements
20 concerning securities matters and provision of technical
21 assistance for the development of foreign securities mar-
22 kets, such expenses to include necessary logistic and ad-
23 ministrative expenses and the expenses of Commission
24 staff and foreign invitees in attendance at such consulta-
25 tions and meetings including: (1) such incidental expenses

1 as meals taken in the course of such attendance; (2) any
2 travel and transportation to or from such meetings; and
3 (3) any other related lodging or subsistence; and of which
4 not to exceed \$483,130 shall be available to increase the
5 Commission's acquisition workforce capacity and capabili-
6 ties: *Provided*, That such acquisition workforce funds may
7 be transferred by the Chairman to any other account in
8 the Commission to carry out the purposes provided herein:
9 *Provided further*, That such transfer authority is in addi-
10 tion to any other transfer authority provided in this Act:
11 *Provided further*, That such acquisition workforce funds
12 shall be available only to supplement and not to supplant
13 existing acquisition workforce activities: *Provided further*,
14 That such funds shall be available for training, recruit-
15 ment, retention, and hiring additional members of the ac-
16 quisition workforce as defined by the Office of Federal
17 Procurement Policy Act, as amended (41 U.S.C. 401 et
18 seq.): *Provided further*, That such funds shall be available
19 for information technology in support of acquisition work-
20 force effectiveness and management: *Provided further*,
21 That fees and charges authorized by sections 6(b) of the
22 Securities Exchange Act of 1933 (15 U.S.C. 77f(b)), and
23 13(e), 14(g) and 31 of the Securities Exchange Act of
24 1934 (15 U.S.C. 78m(e), 78n(g), and 78ee), shall be cred-
25 ited to this account as offsetting collections: *Provided fur-*

1 *ther*, That not to exceed \$1,300,000,000 of such offsetting
 2 collections shall be available until expended for necessary
 3 expenses of this account: *Provided further*, That the total
 4 amount appropriated under this heading from the general
 5 fund for fiscal year 2011 shall be reduced as such offset-
 6 ting fees are received so as to result in a final total fiscal
 7 year 2011 appropriation from the general fund estimated
 8 at not more than \$0.

9 SELECTIVE SERVICE SYSTEM

10 SALARIES AND EXPENSES

11 For necessary expenses of the Selective Service Sys-
 12 tem, including expenses of attendance at meetings and of
 13 training for uniformed personnel assigned to the Selective
 14 Service System, as authorized by 5 U.S.C. 4101–4118 for
 15 civilian employees; purchase of uniforms, or allowances
 16 therefor, as authorized by 5 U.S.C. 5901–5902; hire of
 17 passenger motor vehicles; services as authorized by 5
 18 U.S.C. 3109; and not to exceed \$750 for official reception
 19 and representation expenses; \$25,400,000: *Provided*, That
 20 during the current fiscal year, the President may exempt
 21 this appropriation from the provisions of 31 U.S.C. 1341,
 22 whenever the President deems such action to be necessary
 23 in the interest of national defense: *Provided further*, That
 24 none of the funds appropriated by this Act may be ex-

1 pended for or in connection with the induction of any per-
 2 son into the Armed Forces of the United States.

3 SMALL BUSINESS ADMINISTRATION

4 SALARIES AND EXPENSES

5 For necessary expenses, not otherwise provided for,
 6 of the Small Business Administration as authorized by
 7 Public Law 108–447, including hire of passenger motor
 8 vehicles as authorized by 31 U.S.C. 1343 and 1344, and
 9 not to exceed \$3,500 for official reception and representa-
 10 tion expenses, \$464,000,000: *Provided*, That the Adminis-
 11 trator is authorized to charge fees to cover the cost of pub-
 12 lications developed by the Small Business Administration,
 13 and certain loan program activities, including fees author-
 14 ized by section 5(b) of the Small Business Act: *Provided*
 15 *further*, That, notwithstanding 31 U.S.C. 3302, revenues
 16 received from all such activities shall be credited to this
 17 account, to remain available until expended, for carrying
 18 out these purposes without further appropriations: *Pro-*
 19 *vided further*, That \$117,500,000 shall be available to
 20 fund grants for performance in fiscal year 2010 or fiscal
 21 year 2011 as authorized by section 21 of the Small Busi-
 22 ness Act, of which \$1,000,000 shall be for the Veterans
 23 Assistance and Services Program authorized by section
 24 21(n) of the Small Business Act, as added by section 107
 25 of Public Law 110–186, and of which \$1,000,000 shall

1 be for the Small Business Energy Efficiency Program au-
2 thorized by section 1203(c) of Public Law 110–140: *Pro-*
3 *vided further*, That \$22,000,000 shall remain available
4 until September 30, 2012 for marketing, management,
5 and technical assistance under section 7(m) of the Small
6 Business Act (15 U.S.C. 636(m)(4)) by intermediaries
7 that make microloans under the microloan program: *Pro-*
8 *vided further*, That during fiscal year 2010, the applicable
9 percentage under section 7(m)(4)(A) of the Small Busi-
10 ness Act shall be 50 percent: *Provided further*, That
11 \$15,347,700 shall be available for the Loan Modernization
12 and Accounting System, to be available until September
13 30, 2011: *Provided further*, That \$2,000,000 shall be for
14 the Federal and State Technology Partnership Program
15 under section 34 of the Small Business Act (15 U.S.C.
16 657d): *Provided further*, That \$1,000,000, to remain avail-
17 able until September 30, 2012, shall be for a pilot pro-
18 gram to provide financial assistance in the form of grants
19 or cooperative agreements to educational institutions, non-
20 profit organizations, or State and local departments and
21 agencies for the purposes of providing management or
22 technical assistance to Hispanic small businesses: *Pro-*
23 *vided further*, That \$1,767,090 shall be to supplement and
24 not supplant training, recruitment, retention, and hiring
25 additional members of the acquisition workforce as defined

1 by the Office of Federal Procurement Policy Act, as
 2 amended (41 U.S.C. 401 et seq.) and for information tech-
 3 nology in support of acquisition workforce effectiveness
 4 and management.

5 OFFICE OF INSPECTOR GENERAL

6 For necessary expenses of the Office of Inspector
 7 General in carrying out the provisions of the Inspector
 8 General Act of 1978, \$18,000,000.

9 SURETY BOND GUARANTEES REVOLVING FUND

10 For additional capital for the Surety Bond Guar-
 11 tees Revolving Fund, authorized by the Small Business
 12 Investment Act of 1958, \$1,000,000, to remain available
 13 until expended.

14 BUSINESS LOANS PROGRAM ACCOUNT

15 (INCLUDING TRANSFER OF FUNDS)

16 For the cost of direct loans, \$4,000,000, to remain
 17 available until expended, and for the cost of guaranteed
 18 loans as authorized by section 7(a) of the Small Business
 19 Act, \$195,386,000, to remain available until expended:
 20 *Provided*, That such costs, including the cost of modifying
 21 such loans, shall be as defined in section 502 of the Con-
 22 gressional Budget Act of 1974: *Provided further*, That
 23 subject to section 502 of the Congressional Budget Act
 24 of 1974, during fiscal year 2011 commitments to guar-
 25 antee loans under section 503 of the Small Business In-

1 vestment Act of 1958 shall not exceed \$7,500,000,000:
 2 *Provided further*, That during fiscal year 2011 commit-
 3 ments for general business loans authorized under section
 4 7(a) of the Small Business Act shall not exceed
 5 \$17,500,000,000 for a combination of amortizing term
 6 loans and the aggregated maximum line of credit provided
 7 by revolving loans: *Provided further*, That during fiscal
 8 year 2011 commitments to guarantee loans for debentures
 9 under section 303(b) of the Small Business Investment
 10 Act of 1958, shall not exceed \$3,000,000,000: *Provided*
 11 *further*, That during fiscal year 2011, guarantees of trust
 12 certificates authorized by section 5(g) of the Small Busi-
 13 ness Act shall not exceed a principal amount of
 14 \$12,000,000,000. In addition, for administrative expenses
 15 to carry out the direct and guaranteed loan programs,
 16 \$157,000,000, which may be transferred to and merged
 17 with the appropriations for Salaries and Expenses.

18 DISASTER LOANS PROGRAM ACCOUNT

19 (INCLUDING TRANSFERS OF FUNDS)

20 For administrative expenses to carry out the direct
 21 loan program authorized by section 7(b) of the Small
 22 Business Act, \$203,000,000, to be available until ex-
 23 pended, of which \$1,000,000 is for the Office of Inspector
 24 General of the Small Business Administration for audits
 25 and reviews of disaster loans and the disaster loan pro-

1 grams and shall be transferred to and merged with the
 2 appropriations for the Office of Inspector General; of
 3 which \$193,000,000 is for direct administrative expenses
 4 of loan making and servicing to carry out the direct loan
 5 program, which may be transferred to and merged with
 6 the appropriations for Salaries and Expenses; of which
 7 \$9,000,000 is for indirect administrative expenses for the
 8 direct loan program, which may be transferred to and
 9 merged with the appropriations for Salaries and Expenses.

10 ADMINISTRATIVE PROVISIONS—SMALL BUSINESS

11 ADMINISTRATION

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 520. Not to exceed 5 percent of any appropria-
 14 tion made available for the current fiscal year for the
 15 Small Business Administration in this Act may be trans-
 16 ferred between such appropriations, but no such appro-
 17 priation shall be increased by more than 10 percent by
 18 any such transfers: *Provided*, That any transfer pursuant
 19 to this paragraph shall be treated as a reprogramming of
 20 funds under section 608 of this Act and shall not be avail-
 21 able for obligation or expenditure except in compliance
 22 with the procedures set forth in that section.

23 SEC. 521. All disaster loans issued in Alaska or
 24 North Dakota shall be administered by the Small Business

1 Administration and shall not be sold during fiscal year
2 2010.

3 SEC. 522. Funds made available under Public Law
4 111–8 and Public Law 111–117 for Community Links
5 Hawaii shall be made available to the Pacific International
6 Center for High Technology Research.

7 SEC. 523. (a) Subparagraph (A) of section 8(a)(6)
8 of the Small Business Act (15 U.S.C. 637(a)(6)(A)) is
9 amended by adding the following at the end: “In taking
10 into account the net worth of a socially disadvantaged in-
11 dividual under this subparagraph for purposes of deter-
12 mining if such individual is economically disadvantaged,
13 the Administrator shall consider a net worth of less than
14 \$1,000,000 as indicating that the individual is economi-
15 cally disadvantaged.”

16 (b) Subparagraph (C) of section 8(d)(3) of the Small
17 Business Act (15 U.S.C. 637(d)(3)(C)) is amended by
18 adding the following at the end: “The contractor shall pre-
19 sume that a socially disadvantaged individual is economi-
20 cally disadvantaged if such individual’s net worth, as de-
21 termined in accordance with this section, is less than
22 \$1,000,000.”.

23 SEC. 524. For an additional amount under the head-
24 ing “Small Business Administration—Salaries and Ex-
25 penses”, \$60,600,000, to remain available until September

1 30, 2012, which shall be for initiatives related to small
2 business development and entrepreneurship, including pro-
3 grammatic and construction activities, of which \$300,000
4 shall be for the 4 Ag Hawaii, Improved Food Security
5 through Small Business Development, Haleiwa, Hawaii;
6 \$125,000 shall be for the ACCION USA, Womens Link
7 Program, for training and technical assistance for women-
8 owned microenterprises, New York, New York; \$125,000
9 shall be for the AccountAbility Minnesota for financial
10 services assistance, St. Paul, Minnesota; \$299,000 shall
11 be for the Alaska Fisheries Development Foundation, Uti-
12 lization of Seafood Processing Waste and Product Devel-
13 opment, Naknek, Alaska; \$200,000 shall be for the An-
14 chorage Community Land Trust for a financial literacy
15 and community development program, Anchorage, Alaska;
16 \$50,000 shall be for the Ben Franklin Technology Part-
17 ners, Manufacturing Pennsylvania's Future commer-
18 cialization initiative, Pennsylvania; \$250,000 shall be for
19 the Benedictine University, Small business training pro-
20 gram, Lisle, Illinois; \$100,000 shall be for the Big Sky
21 Economic Development Authority for operating expenses
22 of a revolving loan fund, Billings, Montana; \$150,000
23 shall be for the Boise State University, Entrepreneurial
24 Initiative, Boise, Idaho; \$400,000 shall be for the Bradley
25 University, small business training program, Peoria, Illi-

1 nois; \$500,000 shall be for the California Hispanic Cham-
2 bers of Commerce, California Small Business Construction
3 Initiative, Sacramento, California; \$100,000 shall be for
4 the Carnegie Mellon University, Carnegie Mellon Manu-
5 facturing Accelerator, Pittsburgh, Pennsylvania; \$125,000
6 shall be for the Case Western Reserve University, North-
7 ern Ohio Structural Laboratories: Advanced Instrumenta-
8 tion for Northeast Ohio's Bio-imaging Cluster, Cleveland,
9 Ohio; \$100,000 shall be for the Center for Rural Affairs,
10 New Entrepreneurial Initiatives for Rural Nebraska,
11 Lyons, Nebraska; \$175,000 shall be for the Center for
12 Rural Entrepreneurship, Nebraska Entrepreneur Initia-
13 tive, Lincoln, Nebraska; \$150,000 shall be for the Central
14 Corridor's Hmong Business Center, St. Paul, Minnesota;
15 \$400,000 shall be for the Chicago House and Social Serv-
16 ice Agency, job training program, Chicago, Illinois;
17 \$400,000 shall be for the City of Carson City, High Tech
18 Business Collaborative, Carson City, Nevada; \$450,000
19 shall be for the City of Chicago, workforce retraining pro-
20 gram, Chicago, Illinois; \$500,000 shall be for the City of
21 Denver, Denver Office of Strategic Partnerships Sustain-
22 ability Project, Denver, Colorado; \$100,000 shall be for
23 the City of Gallup, Kachina business incubator and rede-
24 velopment efforts, Gallup, New Mexico; \$100,000 shall be
25 for the City of Port Huron Economic Redevelopment Ini-

1 tiative, Port Huron, Michigan; \$125,000 shall be for the
 2 City of St. Cloud, Comprehensive Downtown Economic
 3 Development Plan and Program, St. Cloud, Minnesota;
 4 \$200,000 shall be for the Colorado State University, Sus-
 5 tainable Biofuels Development Center, Ft. Collins, Colo-
 6 rado; \$250,000 shall be for the Dakota Rising Rural En-
 7 trepreneur Fellowship Program, South Dakota Rural En-
 8 terprise, Sioux Falls, South Dakota; \$100,000 shall be for
 9 the Dartmouth Regional Technology Center for additional
 10 business incubator space and support, Lebanon, New
 11 Hampshire; \$100,000 shall be for the Davidson Green
 12 Business Incubator Initiative, Davidson, North Carolina;
 13 \$150,000 shall be for the Downtown Salem Revitalization
 14 Toolbox program for economic development, Salem, Or-
 15 egon; \$150,000 shall be for the Eastern Connecticut State
 16 University, Center for Economic, Financial and Entrepre-
 17 neurship Education, Willimantic, Connecticut; \$50,000
 18 shall be for the Fay-Penn Economic Development Council,
 19 Local Economy Initiative, Fayette County, Pennsylvania;
 20 \$100,000 shall be for the Finlandia University and Jutila
 21 Center for Global Design and Business, business incu-
 22 bator, Hancock, Michigan; \$175,000 shall be for the First
 23 State Community Loan Fund, for small business and com-
 24 munity development technical assistance, Wilmington,
 25 Delaware; \$137,500 shall be for the Grambling State Uni-

1 versity, Expanding Minority Entrepreneurship Regionally
 2 Across the Louisiana Delta (EMERALD), Grambling,
 3 Louisiana; \$125,000 shall be for the Great Falls Develop-
 4 ment Authority, High Plains Financial Intermediary Loan
 5 Fund, for operating expenses of programs supporting
 6 small business development, Great Falls, Montana;
 7 \$150,000 shall be for the Greater Bridgeport Community
 8 Enterprises, Urban Green Business Incubator, Bridge-
 9 port, Connecticut; \$150,000 shall be for the Greater Cedar
 10 Valley Alliance, Bi-State Entrepreneurial Development
 11 Initiative, Iowa; \$137,500 shall be for the Greater New
 12 Orleans regional economic alliance for Green New Orleans,
 13 a green business and jobs initiative, New Orleans, Lou-
 14 isiana; \$50,000 shall be for the Greene County Depart-
 15 ment of Economic Development, Business Park Develop-
 16 ment Project, Waynesburg, Pennsylvania; \$100,000 shall
 17 be for the Harford County, Maryland, Aberdeen Proving
 18 Ground Technical Assistance Business Development Of-
 19 fice, Bel Air, Maryland; \$150,000 shall be for the Hart-
 20 ford Economic Development Corporation, Business Re-
 21 source Center, Hartford, Connecticut; \$100,000 shall be
 22 for the Institute for Entrepreneurial Leadership for tech-
 23 nical assistance to minority and women business owners,
 24 Newark, New Jersey; \$200,000 shall be for the Inter-
 25 national Trade Alliance, Washington BRIC Export Initia-

1 tive, Spokane, Washington; \$650,000 shall be for the
 2 Jackson State University for Economic and Community
 3 Development Through Heritage Tourism, Jackson, Mis-
 4 sissippi; \$150,000 shall be for the Jefferson Local Devel-
 5 opment Corporation for operating expenses of a revolving
 6 loan fund to support small business development, White-
 7 hall, Montana; \$200,000 shall be for the Johnson and
 8 Wales University, Higher Education Consortium for
 9 Rhode Island Entrepreneurship, Providence, Rhode Is-
 10 land; \$50,000 shall be for the Johnson State College, Up-
 11 ward Bound, Lamoille County, Vermont; \$150,000 shall
 12 be for the Kaskaskia College, job counseling and training
 13 initiative, Centralia, Illinois; \$400,000 shall be for the
 14 Kennebec Valley Council of Governments, Rural Maine
 15 Employment Initiative, Fairfield, Maine; \$125,000 shall
 16 be for the Lawrence-Douglas County Biosciences Author-
 17 ity, Bioscience & Technology Business Center, Lawrence,
 18 Kansas; \$150,000 shall be for the Lewis and Clark Com-
 19 munity College, job counseling and training initiative,
 20 Godfrey, Illinois; \$150,000 shall be for the Lincoln Coun-
 21 ty, Alamo Industrial Park Development, Alamo, Nevada;
 22 \$250,000 shall be for the Lyndon State College, Center
 23 for Business Education and Rural Entrepreneurship,
 24 Lyndonville, Vermont; \$750,000 shall be for the Midcoast
 25 Regional Redevelopment Authority, Brunswick Science

1 and Technology Business Incubator, Brunswick, Maine;
2 \$1,000,000 shall be for the Midwest China Hub Commis-
3 sion, St. Louis, Missouri; \$650,000 shall be for the Mis-
4 sissippi State University Entrepreneurship Center,
5 Starkville, Mississippi; \$1,000,000 shall be for the Mis-
6 sissippi Technology Alliance, Center for Innovation and
7 Entrepreneurship, Ridgeland, Mississippi; \$275,000 shall
8 be for the Montclair State University, Institute for Sus-
9 tainability Studies Business Incubator, Montclair, New
10 Jersey; \$100,000 shall be for the Mount Washington Val-
11 ley Economic Council, North Country Small Business
12 Education Center, Conway, New Hampshire; \$600,000
13 shall be for the National Centers of Excellence Regional
14 Technology Deployment Pilot Project, Orem, Utah;
15 \$150,000 shall be for the Nevada Center for Entrepre-
16 neurship and Technology, Small Business Entrepreneur
17 Training, Reno, Nevada; \$75,000 shall be for the North-
18 east Organic Farming Association of Vermont, Farmer-
19 to-Farmer Mentor Program for business development,
20 Chittenden County, Vermont; \$250,000 shall be for the
21 Northern Kentucky University College of Informatics,
22 Highland Heights, Kentucky; \$1,000,000 shall be for the
23 Northern Maine Acadian Development, Madawaska,
24 Maine; \$100,000 shall be for the Northern Michigan Uni-
25 versity Upper Peninsula Center for Community and Eco-

1 nomic Development, Marquette, Michigan; \$125,000 shall
 2 be for the Ohio University, Small Business Development
 3 for Appalachian Ohio's Emerging Biomass Industry, Ath-
 4 ens, Ohio; \$125,000 shall be for the Oregon International
 5 Port of Coos Bay for the business center incubator, Coos
 6 Bay, Oregon; \$650,000 shall be for the Pellissippi Re-
 7 search Centre on the Oak Ridge Corridor, Alcoa, Ten-
 8 nessee; \$125,000 shall be for the PIPELINE Entrepre-
 9 neurial Fellowship, Kansas; \$125,000 shall be for the
 10 Portland Community College, Swan Island Training Cen-
 11 ter, Portland, Oregon; \$100,000 shall be for the Prince
 12 George's County, Maryland, Africa Trade Office "Farm
 13 to Port" project, Largo, Maryland; \$100,000 shall be for
 14 the Regional Development Corporation, New Mexico
 15 Youth Entrepreneurship Network, Santa Fe, New Mexico;
 16 \$100,000 shall be for the Research and Technology Insti-
 17 tute of West Michigan for InnovationWorks, technical as-
 18 sistance to inventors, entrepreneurs, and existing busi-
 19 nesses, Grand Rapids, Michigan; \$200,000 shall be for the
 20 Rock Valley College, job training and small business coun-
 21 seling program, Rockford, Illinois; \$100,000 shall be for
 22 the Rural Enterprise of Oklahoma, Small Business Re-
 23 source Center, Cameron University, Lawton, Oklahoma;
 24 \$100,000 shall be for the Rutgers, The State University
 25 of New Jersey, Newark Campus, New Jersey Entrepre-

1 neurship Development Initiative, Newark, New Jersey;
2 \$275,000 shall be for the Safer Foundation, transitional
3 employment program, Chicago, Illinois; \$250,000 shall be
4 for the Saint Xavier University, Minority small business
5 initiative, Chicago, Illinois; \$100,000 shall be for the Sara-
6 toga Economic Development Corporation, Saratoga
7 Springs, New York; \$226,000 shall be for the Sauk Valley
8 Community College, Job training and certification pro-
9 gram, Dixon, Illinois; \$100,000 shall be for the Seminole
10 State College's Economic Development Program for Busi-
11 ness Recruitment and Retention, Seminole, Oklahoma;
12 \$500,000 shall be for the Sirti Foundation for capacity
13 building and education, technical assistance, and training
14 for technology entrepreneurship, Spokane, Washington;
15 \$300,000 shall be for the Souris Basin Regional Planning
16 Council, North Dakota Rural Economic Area Partnership
17 Zones, Minot, North Dakota; \$100,000 shall be for the
18 Student Assistance Foundation for a financial education
19 program, Helena, Montana; \$100,000 shall be for the
20 Taos Pueblo village economic development, Taos, New
21 Mexico; \$100,000 shall be for the Tapetes de Lana for
22 economic development, Mora, New Mexico; \$100,000 shall
23 be for The Enterprise Center, Minority Business Develop-
24 ment Initiative, Philadelphia, Pennsylvania; \$125,000
25 shall be for The Greater Harlem Chamber of Commerce,

1 Upper Manhattan Tourism and Tourism Related Small
2 Business Initiative, New York, New York; \$100,000 shall
3 be for The Nussbaum Center for Entrepreneurship, Busi-
4 ness Incubator Renovation, Greensboro, North Carolina;
5 \$100,000 shall be for the University at Albany, State Uni-
6 versity of New York, National Clearinghouse for Research
7 and Education in Financial Market Regulation, Albany,
8 New York; \$1,250,000 shall be for the University of Ala-
9 bama, Rural Health Entrepreneurial Development
10 Project, Tuscaloosa, Alabama; \$275,000 shall be for the
11 University of Arkansas at Little Rock, Small Business In-
12 novation Center, Little Rock, Arkansas; \$275,000 shall be
13 for the University of Arkansas at Pine Bluff, Business
14 Support Incubator, Pine Bluff, Arkansas; \$175,000 shall
15 be for the University of Delaware, Delaware Small Busi-
16 ness Development Center, Newark, Delaware; \$100,000
17 shall be for the University of Louisiana at Monroe, Busi-
18 ness Incubator Renovation, Louisiana; \$550,000 shall be
19 for the University of Maine at Farmington, Western
20 Maine Rural Small Business Initiative, Farmington,
21 Maine; \$400,000 shall be for the University of Memphis,
22 Memphis Center for Entrepreneurship and Innovation,
23 Memphis, Tennessee; \$250,000 shall be for the University
24 of Mississippi, Technology Commercialization Initiative,
25 Oxford, Mississippi; \$150,000 shall be for the University

1 of Nevada Reno, Veteran Business and Workforce Devel-
2 opment Initiative, Reno, Nevada; \$250,000 shall be for
3 the University of Northern Iowa, MyEntre.Net, A Na-
4 tional Entrepreneurship Support Network, Cedar Falls,
5 Iowa; \$250,000 shall be for the University of Rhode Island
6 Research Foundation, for technical assistance and out-
7 reach to support start-up and emerging businesses, South
8 Kingstown, Rhode Island; \$200,000 shall be for the Uni-
9 versity of South Florida Business Incubator Project,
10 Bartow, Florida; \$500,000 shall be for the University of
11 Southern California, Center for Community Development,
12 Los Angeles, California; \$650,000 shall be for the Univer-
13 sity of Southern Mississippi, Early Stage Entrepreneur/
14 Commercialization Development, Hattiesburg, Mississippi;
15 \$250,000 shall be for the University of Wisconsin-Mil-
16 waukee for business development related to clean water
17 technologies, Milwaukee, Wisconsin; \$50,000 shall be for
18 the Urban League of Philadelphia Entrepreneurship Cen-
19 ter, Philadelphia, Pennsylvania; \$75,000 shall be for the
20 Vermont Worker's Center, financial literacy workshops,
21 Chittenden County, Vermont; \$400,000 shall be for the
22 Virginia Community College System, Virginia Veterans
23 Workforce Development Project, Richmond, Virginia;
24 \$200,000 shall be for the Washington Hancock Commu-
25 nity Agency, Rural Business Energizer Program,

1 Milbridge, Maine; \$250,000 shall be for the West Virginia
 2 University at Parkersburg, downtown center economic de-
 3 velopment, Parkersburg, West Virginia; \$750,000 shall be
 4 for the Western Kentucky University Bowling Green Data
 5 Center, Bowling Green, Kentucky; \$150,000 shall be for
 6 the Western Nevada College, Advanced Manufacturing
 7 Workforce Collaborative, Carson City, Nevada; \$100,000
 8 shall be for the Western New England College for an en-
 9 trepreneurship initiative, Springfield, Massachusetts;
 10 \$300,000 shall be for the Western Washington University,
 11 National Center for Economic Vitality, Bellingham, Wash-
 12 ington; \$100,000 shall be for the Williston State College
 13 for developing curriculum and delivery methods to address
 14 workforce shortage, Williston, North Dakota; \$200,000
 15 shall be for the Wilmington College, Kettering Agriculture
 16 and Life Science Small Business incubator, Wilmington,
 17 Ohio; \$50,000 shall be for the World Trade Center Insti-
 18 tute Delaware, Online Training Program, Wilmington,
 19 Delaware; \$100,000 shall be for the YWCA Malden, Fi-
 20 nancial Education and Advancement for Micro-Enter-
 21 prises and At-Risk Families, Malden, Massachusetts.

22 UNITED STATES POSTAL SERVICE

23 PAYMENT TO THE POSTAL SERVICE FUND

24 For payment to the Postal Service Fund for revenue
 25 forgone on free and reduced rate mail, pursuant to sub-

1 sections (c) and (d) of section 2401 of title 39, United
 2 States Code, \$103,905,000, of which \$74,905,000 shall
 3 not be available for obligation until October 1, 2011: *Pro-*
 4 *vided*, That mail for overseas voting and mail for the blind
 5 shall continue to be free: *Provided further*, That 6-day de-
 6 livery and rural delivery of mail shall continue at not less
 7 than the 1983 level: *Provided further*, That none of the
 8 funds made available to the Postal Service by this Act
 9 shall be used to implement any rule, regulation, or policy
 10 of charging any officer or employee of any State or local
 11 child support enforcement agency, or any individual par-
 12 ticipating in a State or local program of child support en-
 13 forcement, a fee for information requested or provided
 14 concerning an address of a postal customer: *Provided fur-*
 15 *ther*, That none of the funds provided in this Act shall
 16 be used to consolidate or close small rural and other small
 17 post offices in fiscal year 2011.

18 OFFICE OF INSPECTOR GENERAL

19 SALARIES AND EXPENSES

20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses of the Office of Inspector
 22 General in carrying out the provisions of the Inspector
 23 General Act of 1978, \$244,397,000, to be derived by
 24 transfer from the Postal Service Fund and expended as

1 authorized by section 603(b)(3) of the Postal Account-
2 ability and Enhancement Act (Public Law 109–435).

3 UNITED STATES TAX COURT

4 SALARIES AND EXPENSES

5 For necessary expenses, including contract reporting
6 and other services as authorized by 5 U.S.C. 3109,
7 \$54,625,000, of which \$2,424,000 shall remain available
8 until September 30, 2012: *Provided*, That travel expenses
9 of the judges shall be paid upon the written certificate of
10 the judge.

11 TITLE VI

12 GENERAL PROVISIONS—THIS ACT

13 SEC. 601. None of the funds in this Act shall be used
14 for the planning or execution of any program to pay the
15 expenses of, or otherwise compensate, non-Federal parties
16 intervening in regulatory or adjudicatory proceedings
17 funded in this Act.

18 SEC. 602. None of the funds appropriated in this Act
19 shall remain available for obligation beyond the current
20 fiscal year, nor may any be transferred to other appropria-
21 tions, unless expressly so provided herein.

22 SEC. 603. The expenditure of any appropriation
23 under this Act for any consulting service through procure-
24 ment contract pursuant to 5 U.S.C. 3109, shall be limited
25 to those contracts where such expenditures are a matter

1 of public record and available for public inspection, except
2 where otherwise provided under existing law, or under ex-
3 isting Executive order issued pursuant to existing law.

4 SEC. 604. None of the funds made available in this
5 Act may be transferred to any department, agency, or in-
6 strumentality of the United States Government, except
7 pursuant to a transfer made by, or transfer authority pro-
8 vided in, this Act or any other appropriations Act.

9 SEC. 605. None of the funds made available by this
10 Act shall be available for any activity or for paying the
11 salary of any Government employee where funding an ac-
12 tivity or paying a salary to a Government employee would
13 result in a decision, determination, rule, regulation, or pol-
14 icy that would prohibit the enforcement of section 307 of
15 the Tariff Act of 1930 (19 U.S.C. 1307).

16 SEC. 606. No funds appropriated pursuant to this
17 Act may be expended by an entity unless the entity agrees
18 that in expending the assistance the entity will comply
19 with the Buy American Act (41 U.S.C. 10a–10c).

20 SEC. 607. No funds appropriated or otherwise made
21 available under this Act shall be made available to any
22 person or entity that has been convicted of violating the
23 Buy American Act (41 U.S.C. 10a–10c).

24 SEC. 608. Except as otherwise provided in this Act,
25 none of the funds provided in this Act, provided by pre-

1 vious appropriations Acts to the agencies or entities fund-
2 ed in this Act that remain available for obligation or ex-
3 penditure in fiscal year 2011, or provided from any ac-
4 counts in the Treasury derived by the collection of fees
5 and available to the agencies funded by this Act, shall be
6 available for obligation or expenditure through a re-
7 programming of funds that: (1) creates a new program;
8 (2) eliminates a program, project, or activity; (3) increases
9 funds or personnel for any program, project, or activity
10 for which funds have been denied or restricted by the Con-
11 gress; (4) proposes to use funds directed for a specific ac-
12 tivity by the Committee on Appropriations of either the
13 House of Representatives or the Senate for a different
14 purpose; (5) augments existing programs, projects, or ac-
15 tivities in excess of \$5,000,000 or 10 percent, whichever
16 is less; (6) reduces existing programs, projects, or activi-
17 ties by \$5,000,000 or 10 percent, whichever is less; or (7)
18 creates or reorganizes offices, programs, or activities un-
19 less prior approval is received from the Committees on Ap-
20 propriations of the House of Representatives and the Sen-
21 ate: *Provided*, That prior to any significant reorganization
22 or restructuring of offices, programs, or activities, each
23 agency or entity funded in this Act shall consult with the
24 Committees on Appropriations of the House of Represent-
25 atives and the Senate: *Provided further*, That not later

1 than 60 days after the date of enactment of this Act, each
2 agency funded by this Act shall submit a report to the
3 Committees on Appropriations of the House of Represent-
4 atives and the Senate to establish the baseline for applica-
5 tion of reprogramming and transfer authorities for the
6 current fiscal year: *Provided further*, That the report shall
7 include: (1) a table for each appropriation with a separate
8 column to display the President's budget request, adjust-
9 ments made by Congress, adjustments due to enacted re-
10 scissions, if appropriate, and the fiscal year enacted level;
11 (2) a delineation in the table for each appropriation both
12 by object class and program, project, and activity as de-
13 tailed in the budget appendix for the respective appropria-
14 tion; and (3) an identification of items of special congres-
15 sional interest: *Provided further*, That the amount appro-
16 priated or limited for salaries and expenses for an agency
17 shall be reduced by \$100,000 per day for each day after
18 the required date that the report has not been submitted
19 to the Congress.

20 SEC. 609. Except as otherwise specifically provided
21 by law, not to exceed 50 percent of unobligated balances
22 remaining available at the end of fiscal year 2011 from
23 appropriations made available for salaries and expenses
24 for fiscal year 2011 in this Act, shall remain available
25 through September 30, 2012, for each such account for

1 the purposes authorized: *Provided*, That a request shall
2 be submitted to the Committees on Appropriations of the
3 House of Representatives and the Senate for approval
4 prior to the expenditure of such funds: *Provided further*,
5 That these requests shall be made in compliance with re-
6 programming guidelines.

7 SEC. 610. None of the funds made available in this
8 Act may be used by the Executive Office of the President
9 to request from the Federal Bureau of Investigation any
10 official background investigation report on any individual,
11 except when—

12 (1) such individual has given his or her express
13 written consent for such request not more than 6
14 months prior to the date of such request and during
15 the same presidential administration; or

16 (2) such request is required due to extraor-
17 dinary circumstances involving national security.

18 SEC. 611. The cost accounting standards promul-
19 gated under section 26 of the Office of Federal Procure-
20 ment Policy Act (Public Law 93–400; 41 U.S.C. 422)
21 shall not apply with respect to a contract under the Fed-
22 eral Employees Health Benefits Program established
23 under chapter 89 of title 5, United States Code.

24 SEC. 612. For the purpose of resolving litigation and
25 implementing any settlement agreements regarding the

1 nonforeign area cost-of-living allowance program, the Of-
2 fice of Personnel Management may accept and utilize
3 (without regard to any restriction on unanticipated travel
4 expenses imposed in an Appropriations Act) funds made
5 available to the Office of Personnel Management pursuant
6 to court approval.

7 SEC. 613. In order to promote Government access to
8 commercial information technology, the restriction on pur-
9 chasing nondomestic articles, materials, and supplies set
10 forth in the Buy American Act (41 U.S.C. 10a et seq.),
11 shall not apply to the acquisition by the Federal Govern-
12 ment of information technology (as defined in section
13 11101 of title 40, United States Code), that is a commer-
14 cial item (as defined in section 4(12) of the Office of Fed-
15 eral Procurement Policy Act (41 U.S.C. 403(12))).

16 SEC. 614. Notwithstanding section 1353 of title 31,
17 United States Code, no officer or employee of any regu-
18 latory agency or commission funded by this Act may ac-
19 cept on behalf of that agency, nor may such agency or
20 commission accept, payment or reimbursement from a
21 non-Federal entity for travel, subsistence, or related ex-
22 penses for the purpose of enabling an officer or employee
23 to attend and participate in any meeting or similar func-
24 tion relating to the official duties of the officer or em-
25 ployee when the entity offering payment or reimbursement

1 is a person or entity subject to regulation by such agency
2 or commission, or represents a person or entity subject
3 to regulation by such agency or commission, unless the
4 person or entity is an organization described in section
5 501(c)(3) of the Internal Revenue Code of 1986 and ex-
6 empt from tax under section 501(a) of such Code.

7 SEC. 615. The Public Company Accounting Oversight
8 Board shall have authority to obligate funds for the schol-
9 arship program established by section 109(c)(2) of the
10 Sarbanes-Oxley Act of 2002 (Public Law 107–204) in an
11 aggregate amount not exceeding the amount of funds col-
12 lected by the Board as of December 31, 2010, including
13 accrued interest, as a result of the assessment of monetary
14 penalties. Funds available for obligation in fiscal year
15 2011 shall remain available until expended.

16 SEC. 616. From the unobligated balances of prior
17 year appropriations made available for the Privacy and
18 Civil Liberties Oversight Board, \$1,500,000 are rescinded.

19 SEC. 617. Notwithstanding section 708 of this Act,
20 funds made available to the Commodity Futures Trading
21 Commission and the Securities and Exchange Commission
22 by this or any other Act may be used for the interagency
23 funding and sponsorship of a joint advisory committee to
24 advise on emerging regulatory issues.

1 SEC. 618. Any expenses incurred by the Election As-
2 sistance Commission using amounts appropriated under
3 the heading “Election Assistance Commission, Election
4 Reform Programs” in the Transportation, Treasury, and
5 Independent Agencies Appropriations Act, 2004 (Public
6 Law 108–199; 118 Stat. 327) for any program or activity
7 which the Commission is authorized to carry out under
8 the Help America Vote Act of 2002 shall be considered
9 to have been incurred for the programs and activities de-
10 scribed under such heading.

11 SEC. 619. Section 1107 of title 31, United States
12 Code, is amended by adding to the end thereof the fol-
13 lowing: “The President shall transmit promptly to Con-
14 gress without change, proposed deficiency and supple-
15 mental appropriations submitted to the President by the
16 legislative branch and the judicial branch.”.

17 SEC. 620. Section 7 of the Abraham Lincoln Com-
18 memorative Coin Act (31 U.S.C. § 5112 note) is amended
19 in subsection (b) by striking “Abraham Lincoln Bicenten-
20 nial Commission to further the work of the Commission”
21 and inserting “Abraham Lincoln Bicentennial Foundation
22 for the purposes of commemorating the bicentennial of the
23 birth of Abraham Lincoln, and fostering and promoting
24 the awareness and study of the life of Abraham Lincoln”
25 and in subsection (c) by striking “Abraham Lincoln Bicen-

1 tennial Commission” and inserting “Abraham Lincoln Bi-
2 centennial Foundation”.

3 SEC. 621. During fiscal year 2011, for purposes of
4 section 908(b)(1) of the Trade Sanctions Reform and Ex-
5 port Enhancement Act of 2000 (22 U.S.C. 7207(b)(1)),
6 the term “payment of cash in advance” shall be inter-
7 preted as payment before the transfer of title to, and con-
8 trol of, the exported items to the Cuban purchaser.

9 TITLE VII

10 GENERAL PROVISIONS—GOVERNMENT-WIDE

11 DEPARTMENTS, AGENCIES, AND CORPORATIONS

12 SEC. 701. No department, agency, or instrumentality
13 of the United States receiving appropriated funds under
14 this or any other Act for fiscal year 2011 shall obligate
15 or expend any such funds, unless such department, agen-
16 cy, or instrumentality has in place, and will continue to
17 administer in good faith, a written policy designed to en-
18 sure that all of its workplaces are free from the illegal
19 use, possession, or distribution of controlled substances
20 (as defined in the Controlled Substances Act (21 U.S.C.
21 802)) by the officers and employees of such department,
22 agency, or instrumentality.

23 SEC. 702. Unless otherwise specifically provided, the
24 maximum amount allowable during the current fiscal year
25 in accordance with subsection 1343(c) of title 31, United

1 States Code, for the purchase of any passenger motor ve-
2 hicle (exclusive of buses, ambulances, law enforcement,
3 and undercover surveillance vehicles), is hereby fixed at
4 \$13,197 except station wagons for which the maximum
5 shall be \$13,631: *Provided*, That these limits may be ex-
6 ceeded by not to exceed \$3,700 for police-type vehicles,
7 and by not to exceed \$4,000 for special heavy-duty vehi-
8 cles: *Provided further*, That the limits set forth in this sec-
9 tion may not be exceeded by more than 5 percent for elec-
10 tric or hybrid vehicles purchased for demonstration under
11 the provisions of the Electric and Hybrid Vehicle Re-
12 search, Development, and Demonstration Act of 1976:
13 *Provided further*, That the limits set forth in this section
14 may be exceeded by the incremental cost of clean alter-
15 native fuels vehicles acquired pursuant to Public Law
16 101–549 over the cost of comparable conventionally fueled
17 vehicles: *Provided further*, That the limits set forth in this
18 section shall not apply to any vehicle that is a commercial
19 item and which operates on emerging motor vehicle tech-
20 nology, including but not limited to electric, plug-in hybrid
21 electric, and hydrogen fuel cell vehicles.

22 SEC. 703. Appropriations of the executive depart-
23 ments and independent establishments for the current fis-
24 cal year available for expenses of travel, or for the ex-
25 penses of the activity concerned, are hereby made available

1 for quarters allowances and cost-of-living allowances, in
2 accordance with 5 U.S.C. 5922–5924.

3 SEC. 704. Unless otherwise specified during the cur-
4 rent fiscal year, no part of any appropriation contained
5 in this or any other Act shall be used to pay the compensa-
6 tion of any officer or employee of the Government of the
7 United States (including any agency the majority of the
8 stock of which is owned by the Government of the United
9 States) whose post of duty is in the continental United
10 States unless such person: (1) is a citizen of the United
11 States; (2) is a person who is lawfully admitted for perma-
12 nent residence and is seeking citizenship as outlined in 8
13 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted
14 as a refugee under 8 U.S.C. 1157 or is granted asylum
15 under 8 U.S.C. 1158 and has filed a declaration of inten-
16 tion to become a lawful permanent resident and then a
17 citizen when eligible; or (4) is a person who owes alle-
18 giance to the United States: *Provided*, That for purposes
19 of this section, affidavits signed by any such person shall
20 be considered prima facie evidence that the requirements
21 of this section with respect to his or her status are being
22 complied with: *Provided further*, That for purposes of sub-
23 sections (2) and (3) such affidavits shall be submitted
24 prior to employment and updated thereafter as necessary:
25 *Provided further*, That any person making a false affidavit

1 shall be guilty of a felony, and upon conviction, shall be
2 fined no more than \$4,000 or imprisoned for not more
3 than 1 year, or both: *Provided further*, That the above
4 penal clause shall be in addition to, and not in substitution
5 for, any other provisions of existing law: *Provided further*,
6 That any payment made to any officer or employee con-
7 trary to the provisions of this section shall be recoverable
8 in action by the Federal Government: *Provided further*,
9 That this section shall not apply to any person who is an
10 officer or employee of the Government of the United
11 States on the date of enactment of this Act, or to inter-
12 national broadcasters employed by the Broadcasting
13 Board of Governors, or to temporary employment of trans-
14 lators, or to temporary employment in the field service
15 (not to exceed 60 days) as a result of emergencies: *Pro-*
16 *vided further*, That this section does not apply to the em-
17 ployment as Wildland firefighters for not more than 120
18 days of nonresident aliens employed by the Department
19 of the Interior or the USDA Forest Service pursuant to
20 an agreement with another country.

21 SEC. 705. Appropriations available to any depart-
22 ment or agency during the current fiscal year for nec-
23 essary expenses, including maintenance or operating ex-
24 penses, shall also be available for payment to the General
25 Services Administration for charges for space and services

1 and those expenses of renovation and alteration of build-
2 ings and facilities which constitute public improvements
3 performed in accordance with the Public Buildings Act of
4 1959 (73 Stat. 479), the Public Buildings Amendments
5 of 1972 (86 Stat. 216), or other applicable law.

6 SEC. 706. In addition to funds provided in this or
7 any other Act, all Federal agencies are authorized to re-
8 ceive and use funds resulting from the sale of materials,
9 including Federal records disposed of pursuant to a
10 records schedule recovered through recycling or waste pre-
11 vention programs. Such funds shall be available until ex-
12 pended for the following purposes:

13 (1) Acquisition, waste reduction and prevention,
14 and recycling programs as described in Executive
15 Order No. 13423 (January 24, 2007), including any
16 such programs adopted prior to the effective date of
17 the Executive order.

18 (2) Other Federal agency environmental man-
19 agement programs, including, but not limited to, the
20 development and implementation of hazardous waste
21 management and pollution prevention programs.

22 (3) Other employee programs as authorized by
23 law or as deemed appropriate by the head of the
24 Federal agency.

1 SEC. 707. Funds made available by this or any other
2 Act for administrative expenses in the current fiscal year
3 of the corporations and agencies subject to chapter 91 of
4 title 31, United States Code, shall be available, in addition
5 to objects for which such funds are otherwise available,
6 for rent in the District of Columbia; services in accordance
7 with 5 U.S.C. 3109; and the objects specified under this
8 head, all the provisions of which shall be applicable to the
9 expenditure of such funds unless otherwise specified in the
10 Act by which they are made available: *Provided*, That in
11 the event any functions budgeted as administrative ex-
12 penses are subsequently transferred to or paid from other
13 funds, the limitations on administrative expenses shall be
14 correspondingly reduced.

15 SEC. 708. No part of any appropriation contained in
16 this or any other Act shall be available for interagency
17 financing of boards (except Federal Executive Boards),
18 commissions, councils, committees, or similar groups
19 (whether or not they are interagency entities) which do
20 not have a prior and specific statutory approval to receive
21 financial support from more than one agency or instru-
22 mentality.

23 SEC. 709. None of the funds made available pursuant
24 to the provisions of this Act shall be used to implement,
25 administer, or enforce any regulation which has been dis-

1 approved pursuant to a joint resolution duly adopted in
2 accordance with the applicable law of the United States.

3 SEC. 710. (a) Notwithstanding any other provision
4 of law, and except as otherwise provided in this section,
5 no part of any of the funds appropriated for fiscal year
6 2011, by this or any other Act, may be used to pay any
7 prevailing rate employee described in section
8 5342(a)(2)(A) of title 5, United States Code—

9 (1) during the period from the date of expira-
10 tion of the limitation imposed by the comparable sec-
11 tion for previous fiscal years until the normal effec-
12 tive date of the applicable wage survey adjustment
13 that is to take effect in fiscal year 2011, in an
14 amount that exceeds the rate payable for the appli-
15 cable grade and step of the applicable wage schedule
16 in accordance with such section; and

17 (2) during the period consisting of the remain-
18 der of fiscal year 2011, in an amount that exceeds,
19 as a result of a wage survey adjustment, the rate
20 payable under paragraph (1) by more than the sum
21 of—

22 (A) the percentage adjustment taking ef-
23 fect in fiscal year 2011 under section 5303 of
24 title 5, United States Code, in the rates of pay
25 under the General Schedule; and

1 (B) the difference between the overall aver-
2 age percentage of the locality-based com-
3 parability payments taking effect in fiscal year
4 2011 under section 5304 of such title (whether
5 by adjustment or otherwise), and the overall av-
6 erage percentage of such payments which was
7 effective in the previous fiscal year under such
8 section.

9 (b) Notwithstanding any other provision of law, no
10 prevailing rate employee described in subparagraph (B) or
11 (C) of section 5342(a)(2) of title 5, United States Code,
12 and no employee covered by section 5348 of such title,
13 may be paid during the periods for which subsection (a)
14 is in effect at a rate that exceeds the rates that would
15 be payable under subsection (a) were subsection (a) appli-
16 cable to such employee.

17 (c) For the purposes of this section, the rates payable
18 to an employee who is covered by this section and who
19 is paid from a schedule not in existence on September 30,
20 2010, shall be determined under regulations prescribed by
21 the Office of Personnel Management.

22 (d) Notwithstanding any other provision of law, rates
23 of premium pay for employees subject to this section may
24 not be changed from the rates in effect on September 30,
25 2010, except to the extent determined by the Office of

1 Personnel Management to be consistent with the purpose
2 of this section.

3 (e) This section shall apply with respect to pay for
4 service performed after September 30, 2010.

5 (f) For the purpose of administering any provision
6 of law (including any rule or regulation that provides pre-
7 mium pay, retirement, life insurance, or any other em-
8 ployee benefit) that requires any deduction or contribu-
9 tion, or that imposes any requirement or limitation on the
10 basis of a rate of salary or basic pay, the rate of salary
11 or basic pay payable after the application of this section
12 shall be treated as the rate of salary or basic pay.

13 (g) Nothing in this section shall be considered to per-
14 mit or require the payment to any employee covered by
15 this section at a rate in excess of the rate that would be
16 payable were this section not in effect.

17 (h) The Office of Personnel Management may provide
18 for exceptions to the limitations imposed by this section
19 if the Office determines that such exceptions are necessary
20 to ensure the recruitment or retention of qualified employ-
21 ees.

22 SEC. 711. During the period in which the head of
23 any department or agency, or any other officer or civilian
24 employee of the Federal Government appointed by the
25 President of the United States, holds office, no funds may

1 be obligated or expended in excess of \$5,000 to furnish
2 or redecorate the office of such department head, agency
3 head, officer, or employee, or to purchase furniture or
4 make improvements for any such office, unless advance
5 notice of such furnishing or redecoration is transmitted
6 to the Committees on Appropriations of the House of Rep-
7 resentatives and the Senate. For the purposes of this sec-
8 tion, the term “office” shall include the entire suite of of-
9 fices assigned to the individual, as well as any other space
10 used primarily by the individual or the use of which is
11 directly controlled by the individual.

12 SEC. 712. Notwithstanding section 31 U.S.C. 1346,
13 or section 708 of this Act, funds made available for the
14 current fiscal year by this or any other Act shall be avail-
15 able for the interagency funding of national security and
16 emergency preparedness telecommunications initiatives
17 which benefit multiple Federal departments, agencies, or
18 entities, as provided by Executive Order No. 12472 (April
19 3, 1984).

20 SEC. 713. (a) None of the funds appropriated by this
21 or any other Act may be obligated or expended by any
22 Federal department, agency, or other instrumentality for
23 the salaries or expenses of any employee appointed to a
24 position of a confidential or policy-determining character
25 excepted from the competitive service pursuant to 5

1 U.S.C. 3302, without a certification to the Office of Per-
2 sonnel Management from the head of the Federal depart-
3 ment, agency, or other instrumentality employing the
4 Schedule C appointee that the Schedule C position was
5 not created solely or primarily in order to detail the em-
6 ployee to the White House.

7 (b) The provisions of this section shall not apply to
8 Federal employees or members of the armed forces de-
9 tailed to or from—

10 (1) the Central Intelligence Agency;

11 (2) the National Security Agency;

12 (3) the Defense Intelligence Agency;

13 (4) the National Geospatial-Intelligence Agency;

14 (5) the offices within the Department of De-
15 fense for the collection of specialized national foreign
16 intelligence through reconnaissance programs;

17 (6) the Bureau of Intelligence and Research of
18 the Department of State;

19 (7) any agency, office, or unit of the Army,
20 Navy, Air Force, and Marine Corps, the Department
21 of Homeland Security, the Federal Bureau of Inves-
22 tigation and the Drug Enforcement Administration
23 of the Department of Justice, the Department of
24 Transportation, the Department of the Treasury,

1 and the Department of Energy performing intel-
2 ligence functions; and

3 (8) the Director of National Intelligence or the
4 Office of the Director of National Intelligence.

5 SEC. 714. No part of any appropriation contained in
6 this or any other Act shall be available for the payment
7 of the salary of any officer or employee of the Federal
8 Government, who—

9 (1) prohibits or prevents, or attempts or threat-
10 ens to prohibit or prevent, any other officer or em-
11 ployee of the Federal Government from having any
12 direct oral or written communication or contact with
13 any Member, committee, or subcommittee of the
14 Congress in connection with any matter pertaining
15 to the employment of such other officer or employee
16 or pertaining to the department or agency of such
17 other officer or employee in any way, irrespective of
18 whether such communication or contact is at the ini-
19 tiative of such other officer or employee or in re-
20 sponse to the request or inquiry of such Member,
21 committee, or subcommittee; or

22 (2) removes, suspends from duty without pay,
23 demotes, reduces in rank, seniority, status, pay, or
24 performance or efficiency rating, denies promotion
25 to, relocates, reassigns, transfers, disciplines, or dis-

1 criminate in regard to any employment right, enti-
2 tlement, or benefit, or any term or condition of em-
3 ployment of, any other officer or employee of the
4 Federal Government, or attempts or threatens to
5 commit any of the foregoing actions with respect to
6 such other officer or employee, by reason of any
7 communication or contact of such other officer or
8 employee with any Member, committee, or sub-
9 committee of the Congress as described in paragraph
10 (1).

11 SEC. 715. (a) None of the funds made available in
12 this or any other Act may be obligated or expended for
13 any employee training that—

14 (1) does not meet identified needs for knowl-
15 edge, skills, and abilities bearing directly upon the
16 performance of official duties;

17 (2) contains elements likely to induce high lev-
18 els of emotional response or psychological stress in
19 some participants;

20 (3) does not require prior employee notification
21 of the content and methods to be used in the train-
22 ing and written end of course evaluation;

23 (4) contains any methods or content associated
24 with religious or quasi-religious belief systems or
25 “new age” belief systems as defined in Equal Em-

1 ployment Opportunity Commission Notice N-
2 915.022, dated September 2, 1988; or

3 (5) is offensive to, or designed to change, par-
4 ticipants—personal values or lifestyle outside the
5 workplace.

6 (b) Nothing in this section shall prohibit, restrict, or
7 otherwise preclude an agency from conducting training
8 bearing directly upon the performance of official duties.

9 SEC. 716. No funds appropriated in this or any other
10 Act may be used to implement or enforce the agreements
11 in Standard Forms 312 and 4414 of the Government or
12 any other nondisclosure policy, form, or agreement if such
13 policy, form, or agreement does not contain the following
14 provisions: “These restrictions are consistent with and do
15 not supersede, conflict with, or otherwise alter the em-
16 ployee obligations, rights, or liabilities created by Execu-
17 tive Order No. 12958; section 7211 of title 5, United
18 States Code (governing disclosures to Congress); section
19 1034 of title 10, United States Code, as amended by the
20 Military Whistleblower Protection Act (governing disclo-
21 sure to Congress by members of the military); section
22 2302(b)(8) of title 5, United States Code, as amended by
23 the Whistleblower Protection Act of 1989 (governing dis-
24 closures of illegality, waste, fraud, abuse or public health
25 or safety threats); the Intelligence Identities Protection

1 Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures
2 that could expose confidential Government agents); and
3 the statutes which protect against disclosure that may
4 compromise the national security, including sections 641,
5 793, 794, 798, and 952 of title 18, United States Code,
6 and section 4(b) of the Subversive Activities Act of 1950
7 (50 U.S.C. 783(b)). The definitions, requirements, obliga-
8 tions, rights, sanctions, and liabilities created by said Ex-
9 ecutive order and listed statutes are incorporated into this
10 agreement and are controlling.”: *Provided*, That notwith-
11 standing the preceding paragraph, a nondisclosure policy
12 form or agreement that is to be executed by a person con-
13 nected with the conduct of an intelligence or intelligence-
14 related activity, other than an employee or officer of the
15 United States Government, may contain provisions appro-
16 priate to the particular activity for which such document
17 is to be used. Such form or agreement shall, at a min-
18 imum, require that the person will not disclose any classi-
19 fied information received in the course of such activity un-
20 less specifically authorized to do so by the United States
21 Government. Such nondisclosure forms shall also make it
22 clear that they do not bar disclosures to Congress, or to
23 an authorized official of an executive agency or the De-
24 partment of Justice, that are essential to reporting a sub-
25 stantial violation of law.

1 SEC. 717. No part of any funds appropriated in this
2 or any other Act shall be used by an agency of the execu-
3 tive branch, other than for normal and recognized execu-
4 tive-legislative relationships, for publicity or propaganda
5 purposes, and for the preparation, distribution or use of
6 any kit, pamphlet, booklet, publication, radio, television,
7 or film presentation designed to support or defeat legisla-
8 tion pending before the Congress, except in presentation
9 to the Congress itself.

10 SEC. 718. None of the funds appropriated by this or
11 any other Act may be used by an agency to provide a Fed-
12 eral employee's home address to any labor organization
13 except when the employee has authorized such disclosure
14 or when such disclosure has been ordered by a court of
15 competent jurisdiction.

16 SEC. 719. None of the funds made available in this
17 Act or any other Act may be used to provide any non-
18 public information such as mailing or telephone lists to
19 any person or any organization outside of the Federal
20 Government without the approval of the Committees on
21 Appropriations of the House of Representatives and the
22 Senate.

23 SEC. 720. No part of any appropriation contained in
24 this or any other Act shall be used directly or indirectly,
25 including by private contractor, for publicity or propa-

1 ganda purposes within the United States not heretofore
2 authorized by the Congress.

3 SEC. 721. (a) In this section, the term “agency”—

4 (1) means an Executive agency, as defined
5 under 5 U.S.C. 105;

6 (2) includes a military department, as defined
7 under section 102 of such title, the Postal Service,
8 and the Postal Regulatory Commission; and

9 (3) shall not include the Government Account-
10 ability Office.

11 (b) Unless authorized in accordance with law or regu-
12 lations to use such time for other purposes, an employee
13 of an agency shall use official time in an honest effort
14 to perform official duties. An employee not under a leave
15 system, including a Presidential appointee exempted under
16 5 U.S.C. 6301(2), has an obligation to expend an honest
17 effort and a reasonable proportion of such employee’s time
18 in the performance of official duties.

19 SEC. 722. Notwithstanding 31 U.S.C. 1346 and sec-
20 tion 708 of this Act, funds made available for the current
21 fiscal year by this or any other Act to any department
22 or agency, which is a member of the Federal Accounting
23 Standards Advisory Board (FASAB), shall be available to
24 finance an appropriate share of FASAB administrative
25 costs.

1 SEC. 723. Notwithstanding any other provision of
2 law, a woman may breastfeed her child at any location
3 in a Federal building or on Federal property, if the woman
4 and her child are otherwise authorized to be present at
5 the location.

6 SEC. 724. Notwithstanding 31 U.S.C. 1346, or sec-
7 tion 708 of this Act, funds made available for the current
8 fiscal year by this or any other Act shall be available for
9 the interagency funding of specific projects, workshops,
10 studies, and similar efforts to carry out the purposes of
11 the National Science and Technology Council (authorized
12 by Executive Order No. 12881), which benefit multiple
13 Federal departments, agencies, or entities: *Provided*, That
14 the Office of Management and Budget shall provide a re-
15 port describing the budget of and resources connected with
16 the National Science and Technology Council to the Com-
17 mittees on Appropriations, the House Committee on
18 Science and Technology, and the Senate Committee on
19 Commerce, Science, and Transportation 90 days after en-
20 actment of this Act.

21 SEC. 725. Any request for proposals, solicitation,
22 grant application, form, notification, press release, or
23 other publications involving the distribution of Federal
24 funds shall indicate the agency providing the funds, the
25 Catalog of Federal Domestic Assistance Number, as appli-

1 cable, and the amount provided: *Provided*, That this provi-
 2 sion shall apply to direct payments, formula funds, and
 3 grants received by a State receiving Federal funds.

4 SEC. 726. (a) PROHIBITION OF FEDERAL AGENCY
 5 MONITORING OF INDIVIDUALS' INTERNET USE.—None of
 6 the funds made available in this or any other Act may
 7 be used by any Federal agency—

8 (1) to collect, review, or create any aggregation
 9 of data, derived from any means, that includes any
 10 personally identifiable information relating to an in-
 11 dividual's access to or use of any Federal Govern-
 12 ment Internet site of the agency; or

13 (2) to enter into any agreement with a third
 14 party (including another government agency) to col-
 15 lect, review, or obtain any aggregation of data, de-
 16 rived from any means, that includes any personally
 17 identifiable information relating to an individual's
 18 access to or use of any nongovernmental Internet
 19 site.

20 (b) EXCEPTIONS.—The limitations established in
 21 subsection (a) shall not apply to—

22 (1) any record of aggregate data that does not
 23 identify particular persons;

24 (2) any voluntary submission of personally iden-
 25 tifiable information;

1 (3) any action taken for law enforcement, regu-
 2 latory, or supervisory purposes, in accordance with
 3 applicable law; or

4 (4) any action described in subsection (a)(1)
 5 that is a system security action taken by the oper-
 6 ator of an Internet site and is necessarily incident
 7 to providing the Internet site services or to pro-
 8 tecting the rights or property of the provider of the
 9 Internet site.

10 (c) DEFINITIONS.—For the purposes of this section:

11 (1) The term “regulatory” means agency ac-
 12 tions to implement, interpret or enforce authorities
 13 provided in law.

14 (2) The term “supervisory” means examina-
 15 tions of the agency’s supervised institutions, includ-
 16 ing assessing safety and soundness, overall financial
 17 condition, management practices and policies and
 18 compliance with applicable standards as provided in
 19 law.

20 SEC. 727. (a) None of the funds appropriated by this
 21 Act may be used to enter into or renew a contract which
 22 includes a provision providing prescription drug coverage,
 23 except where the contract also includes a provision for con-
 24 traceptive coverage.

1 (b) Nothing in this section shall apply to a contract
2 with—

3 (1) any of the following religious plans:

4 (A) Personal Care’s HMO; and

5 (B) OSF HealthPlans, Inc.; and

6 (2) any existing or future plan, if the carrier
7 for the plan objects to such coverage on the basis of
8 religious beliefs.

9 (c) In implementing this section, any plan that enters
10 into or renews a contract under this section may not sub-
11 ject any individual to discrimination on the basis that the
12 individual refuses to prescribe or otherwise provide for
13 contraceptives because such activities would be contrary
14 to the individual’s religious beliefs or moral convictions.

15 (d) Nothing in this section shall be construed to re-
16 quire coverage of abortion or abortion-related services.

17 SEC. 728. The Congress of the United States recog-
18 nizes the United States Anti-Doping Agency (USADA) as
19 the official anti-doping agency for Olympic, Pan Amer-
20 ican, and Paralympic sport in the United States.

21 SEC. 729. Notwithstanding any other provision of
22 law, funds appropriated for official travel by Federal de-
23 partments and agencies may be used by such departments
24 and agencies, if consistent with Office of Management and
25 Budget Circular A–126 regarding official travel for Gov-

1 ernment personnel, to participate in the fractional aircraft
2 ownership pilot program.

3 SEC. 730. Notwithstanding any other provision of
4 law, none of the funds appropriated or made available
5 under this Act or any other appropriations Act may be
6 used to implement or enforce restrictions or limitations on
7 the Coast Guard Congressional Fellowship Program, or to
8 implement the proposed regulations of the Office of Per-
9 sonnel Management to add sections 300.311 through
10 300.316 to part 300 of title 5 of the Code of Federal Reg-
11 ulations, published in the Federal Register, volume 68,
12 number 174, on September 9, 2003 (relating to the detail
13 of executive branch employees to the legislative branch).

14 SEC. 731. Notwithstanding any other provision of
15 law, no executive branch agency shall purchase, construct,
16 and/or lease any additional facilities, except within or con-
17 tiguous to existing locations, to be used for the purpose
18 of conducting Federal law enforcement training without
19 the advance approval of the Committees on Appropriations
20 of the House of Representatives and the Senate, except
21 that the Federal Law Enforcement Training Center is au-
22 thorized to obtain the temporary use of additional facilities
23 by lease, contract, or other agreement for training which
24 cannot be accommodated in existing Center facilities.

1 SEC. 732. (a) For fiscal year 2011, no funds shall
2 be available for transfers or reimbursements to the E-Gov-
3 ernment initiatives sponsored by the Office of Manage-
4 ment and Budget prior to 15 days following submission
5 of a report to the Committees on Appropriations of the
6 House of Representatives and the Senate by the Director
7 of the Office of Management and Budget and receipt of
8 approval to transfer funds by the Committees on Appro-
9 priations of the House of Representatives and the Senate.

10 (b) The report in subsection (a) and other required
11 justification materials shall include at a minimum—

12 (1) a description of each initiative including but
13 not limited to its objectives, benefits, development
14 status, risks, cost effectiveness (including estimated
15 net costs or savings to the government), and the es-
16 timated date of full operational capability;

17 (2) the total development cost of each initiative
18 by fiscal year including costs to date, the estimated
19 costs to complete its development to full operational
20 capability, and estimated annual operations and
21 maintenance costs; and

22 (3) the sources and distribution of funding by
23 fiscal year and by agency and bureau for each initia-
24 tive including agency contributions to date and esti-
25 mated future contributions by agency.

1 (c) No funds shall be available for obligation or ex-
2 penditure for new E-Government initiatives without the
3 explicit approval of the Committees on Appropriations of
4 the House of Representatives and the Senate.

5 SEC. 733. Notwithstanding section 1346 of title 31,
6 United States Code, and section 708 of this Act and any
7 other provision of law, the head of each appropriate execu-
8 tive department and agency shall transfer to or reimburse
9 the United States Fish and Wildlife Service, upon the di-
10 rection of the Director of the Office of Management and
11 Budget, funds made available by this or any other Act
12 for the purposes described below, and shall submit budget
13 requests for such purposes. These funds shall be adminis-
14 tered by the United States Fish and Wildlife Service, in
15 consultation with the appropriate interagency groups des-
16 ignated by the Director and shall be used to ensure the
17 uninterrupted, continuous operation of the Midway Atoll
18 Airfield by the United States Fish and Wildlife Service
19 pursuant to an operational agreement with the Federal
20 Aviation Administration for the entirety of fiscal year
21 2011 and any period thereafter that precedes the enact-
22 ment of the Financial Services and General Government
23 Appropriations Act, 2012. The Director of the Office of
24 Management and Budget shall mandate the necessary
25 transfers after determining an equitable allocation be-

1 tween the appropriate executive departments and agencies
2 of the responsibility for funding the continuous operation
3 of the Midway Atoll Airfield based on, but not limited to,
4 potential use, interest in maintaining aviation safety, and
5 applicability to governmental operations and agency mis-
6 sion. The total funds transferred or reimbursed shall not
7 exceed \$6,000,000 for any 12-month period. Such sums
8 shall be sufficient to ensure continued operation of the air-
9 field throughout the period cited above. Funds shall be
10 available for operation of the airfield or airfield-related
11 capital upgrades. The Director of the Office of Manage-
12 ment and Budget shall notify the Committees on Appro-
13 priations of the House of Representatives and the Senate
14 of such transfers or reimbursements within 15 days of this
15 Act. Such transfers or reimbursements shall begin within
16 30 days of enactment of this Act.

17 SEC. 734. None of the funds appropriated or other-
18 wise made available by this or any other Act may be used
19 to begin or announce a study or public-private competition
20 regarding the conversion to contractor performance of any
21 function performed by Federal employees pursuant to Of-
22 fice of Management and Budget Circular A-76 or any
23 other administrative regulation, directive, or policy.

24 SEC. 735. Unless otherwise authorized by existing
25 law, none of the funds provided in this Act or any other

1 Act may be used by an executive branch agency to produce
2 any prepackaged news story intended for broadcast or dis-
3 tribution in the United States, unless the story includes
4 a clear notification within the text or audio of the pre-
5 packaged news story that the prepackaged news story was
6 prepared or funded by that executive branch agency.

7 SEC. 736. None of the funds made available in this
8 Act may be used in contravention of section 552a of title
9 5, United States Code (popularly known as the Privacy
10 Act) and regulations implementing that section.

11 SEC. 737. Each executive department and agency
12 shall evaluate the creditworthiness of an individual before
13 issuing the individual a government travel charge card.
14 Such evaluations for individually billed travel charge cards
15 shall include an assessment of the individual's consumer
16 report from a consumer reporting agency as those terms
17 are defined in section 603 of the Fair Credit Reporting
18 Act (Public Law 91–508): *Provided*, That the department
19 or agency may not issue a government travel charge card
20 to an individual that either lacks a credit history or is
21 found to have an unsatisfactory credit history as a result
22 of this evaluation: *Provided further*, That this restriction
23 shall not preclude issuance of a restricted-use charge,
24 debit, or stored value card made in accordance with agency
25 procedures to: (1) an individual with an unsatisfactory

1 credit history where such card is used to pay travel ex-
2 penses and the agency determines there is no suitable al-
3 ternative payment mechanism available before issuing the
4 card; or (2) an individual who lacks a credit history. Each
5 executive department and agency shall establish guidelines
6 and procedures for disciplinary actions to be taken against
7 agency personnel for improper, fraudulent, or abusive use
8 of government charge cards, which shall include appro-
9 priate disciplinary actions for use of charge cards for pur-
10 poses, and at establishments, that are inconsistent with
11 the official business of the Department or agency or with
12 applicable standards of conduct.

13 SEC. 738. (a) DEFINITIONS.—For purposes of this
14 section the following definitions apply:

15 (1) GREAT LAKES.—The terms “Great Lakes”
16 and “Great Lakes State” have the same meanings
17 as such terms have in section 506 of the Water Re-
18 sources Development Act of 2000 (42 U.S.C.
19 1962d–22).

20 (2) GREAT LAKES RESTORATION ACTIVITIES.—
21 The term “Great Lakes restoration activities”
22 means any Federal or State activity primarily or en-
23 tirely within the Great Lakes watershed that seeks
24 to improve the overall health of the Great Lakes eco-
25 system.

1 (b) REPORT.—Not later than 45 days after submis-
2 sion of the budget of the President to Congress, the Direc-
3 tor of the Office of Management and Budget, in coordina-
4 tion with the Governor of each Great Lakes State and the
5 Great Lakes Interagency Task Force, shall submit to the
6 appropriate authorizing and appropriating committees of
7 the Senate and the House of Representatives a financial
8 report, certified by the Secretary of each agency that has
9 budget authority for Great Lakes restoration activities,
10 containing—

11 (1) an interagency budget crosscut report
12 that—

13 (A) displays the budget proposed, including
14 any planned interagency or intra-agency trans-
15 fer, for each of the Federal agencies that car-
16 ries out Great Lakes restoration activities in
17 the upcoming fiscal year, separately reporting
18 the amount of funding to be provided under ex-
19 isting laws pertaining to the Great Lakes eco-
20 system; and

21 (B) identifies all expenditures since fiscal
22 year 2004 by the Federal Government and
23 State governments for Great Lakes restoration
24 activities;

1 (2) a detailed accounting of all funds received
2 and obligated by all Federal agencies and, to the ex-
3 tent available, State agencies using Federal funds,
4 for Great Lakes restoration activities during the cur-
5 rent and previous fiscal years;

6 (3) a budget for the proposed projects (includ-
7 ing a description of the project, authorization level,
8 and project status) to be carried out in the upcom-
9 ing fiscal year with the Federal portion of funds for
10 activities; and

11 (4) a listing of all projects to be undertaken in
12 the upcoming fiscal year with the Federal portion of
13 funds for activities.

14 SEC. 739. (a) IN GENERAL.—None of the funds ap-
15 propriated or otherwise made available by this or any
16 other Act may be used for any Federal Government con-
17 tract with any foreign incorporated entity which is treated
18 as an inverted domestic corporation under section 835(b)
19 of the Homeland Security Act of 2002 (6 U.S.C. 395(b))
20 or any subsidiary of such an entity.

21 (b) WAIVERS.—

22 (1) IN GENERAL.—Any Secretary shall waive
23 subsection (a) with respect to any Federal Govern-
24 ment contract under the authority of such Secretary

1 if the Secretary determines that the waiver is re-
2 quired in the interest of national security.

3 (2) REPORT TO CONGRESS.—Any Secretary
4 issuing a waiver under paragraph (1) shall report
5 such issuance to Congress.

6 (c) EXCEPTION.—This section shall not apply to any
7 Federal Government contract entered into before the date
8 of the enactment of this Act, or to any task order issued
9 pursuant to such contract.

10 SEC. 740. None of the funds made available by this
11 or any other Act may be used to implement, administer,
12 enforce, or apply the rule entitled “Competitive Area”
13 published by the Office of Personnel Management in the
14 Federal Register on April 15, 2008 (73 Fed. Reg. 20180
15 et seq.).

16 SEC. 741. Section 743 of the Consolidated Appropria-
17 tions Act, 2010 (Public Law 111–117; 31 U.S.C. 501
18 note) is amended—

19 (1) in subsection (a)(3), by inserting after “ex-
20 ercise of an option” the following: “, and task orders
21 issued under any such contract,”;

22 (2) in subsection (a)(3)(G), by inserting before
23 the period at the end the following: “, using direct
24 labor hours and associated cost data collected from
25 contractors”;

1 (3) in subsection (e)(2)(B), by striking the text
2 and inserting the following: “the contracts exclude to
3 the maximum extent practicable functions that are
4 closely associated with inherently governmental func-
5 tions;”; and

6 (4) by redesignating subsections (h) and (i) as
7 subsections (i) and (j) and by inserting after sub-
8 section (g) the following new subsection:

9 “(h) SUBMISSION OF REPORT ON ACTIONS TAKEN
10 BEFORE PUBLIC-PRIVATE COMPETITION MAY OCCUR.—
11 An executive agency may not begin, plan for, or announce
12 a study or public-private competition regarding the con-
13 version to contractor performance of any function per-
14 formed by Federal employees pursuant to Office of Man-
15 agement and Budget Circular A–76 or any other adminis-
16 trative regulation or directive until after that agency has
17 submitted to the Office of Management and Budget a re-
18 port, pursuant to subsection (f), that includes actions
19 taken to convert from contractor to Federal employee per-
20 formance functions that are not inherently governmental,
21 closely associated with governmental functions, critical, or
22 should not otherwise be reserved for performance by Fed-
23 eral employees. This subsection shall take effect beginning
24 with the report required under subsection (f) that is in-

1 cluded as an attachment to the annual inventory due by
2 December 31, 2011.”.

3 SEC. 742. (a) The adjustment in rates of basic pay
4 for employees under the statutory pay systems that takes
5 effect in fiscal year 2011 under sections 5303 and 5304
6 of title 5, United States Code, shall be an increase of 1.4
7 percent, and this adjustment shall apply to civilian em-
8 ployees in the Department of Homeland Security and shall
9 apply to civilian employees in the Department of Defense.
10 Such adjustment shall be effective as of the first day of
11 the first applicable pay period beginning on or after Janu-
12 ary 1, 2011.

13 (b) Notwithstanding section 710 of this Act, the ad-
14 justment in rates of basic pay for the statutory pay sys-
15 tems that take place in fiscal year 2011 under sections
16 5344 and 5348 of title 5, United States Code, shall be
17 no less than the percentage in subsection (a) as employees
18 in the same location whose rates of basic pay are adjusted
19 pursuant to the statutory pay systems under sections 5303
20 and 5304 of title 5, United States Code. Prevailing rate
21 employees at locations where there are no employees whose
22 pay is increased pursuant to sections 5303 and 5304 of
23 title 5 and prevailing rate employees described in section
24 5343(a)(5) of title 5 shall be considered to be located in

1 the pay locality designated as “Rest of U.S.” pursuant
2 to section 5304 of title 5 for purposes of this subsection.

3 (c) Funds used to carry out this section shall be paid
4 from appropriations, which are made to each applicable
5 department or agency for salaries and expenses for fiscal
6 year 2011.

7 SEC. 743. Except as expressly provided otherwise,
8 any reference to “this Act” contained in any title other
9 than title IV or VIII shall not apply to such title IV or
10 VIII.

11 SEC. 744. (a) The Vice President may not receive a
12 pay rate increase in calendar year 2011, notwithstanding
13 section 104 of title 3, United States Code, or any other
14 provision of law.

15 (b) An individual serving in an Executive Schedule
16 position, or in a position for which the rate of pay is fixed
17 by statute at an Executive Schedule rate, may not receive
18 a pay rate increase in calendar year 2011, notwith-
19 standing schedule adjustments made under section 5318
20 of title 5, United States Code, or any other provision of
21 law, except as provided in subsection (g) or (h). The pre-
22 ceding sentence applies only to individuals who are holding
23 a position in which they serve at the pleasure of the Presi-
24 dent or other appointing official.

1 (c) A chief of mission or ambassador at large may
2 not receive a pay rate increase in calendar year 2011, not-
3 withstanding section 401 of the Foreign Service Act of
4 1980 (Public Law 96–465) or any other provision of law,
5 except as provided in subsection (g) or (h).

6 (d) A noncareer appointee in the Senior Executive
7 Service may not receive a pay rate increase in calendar
8 year 2011, notwithstanding sections 5382 and 5383 of
9 title 5, United States Code.

10 (e) Any employee paid a rate of basic pay (including
11 locality-based payments under section 5304 of title 5,
12 United States Code, or similar authority) at or above level
13 IV of the Executive Schedule who serves at the pleasure
14 of the appointing official may not receive a pay rate in-
15 crease in calendar year 2011, notwithstanding any other
16 provision of law, except as provided in subsection (g) or
17 (h). This subsection does not apply to employees in the
18 General Schedule pay system or the Foreign Service pay
19 system, or to employees appointed under 5 U.S.C. 3161,
20 or to employees in another pay system whose position
21 would be classified at GS–15 or below if chapter 51 of
22 title 5, United States Code, applied to them.

23 (f) Nothing in this section shall prevent employees
24 who do not serve at the pleasure of the appointing official

1 from receiving pay increases as otherwise provided under
2 applicable law.

3 (g) A career appointee in the Senior Executive Serv-
4 ice who receives a Presidential appointment and who
5 makes an election to retain Senior Executive Service basic
6 pay entitlements under section 3392 of title 5, United
7 States Code, is not subject to this section.

8 (h) A member of Senior Foreign Service who receives
9 a Presidential appointment to any position in the executive
10 branch and who makes an election to retain Senior For-
11 eign Service pay entitlements under section 302(b) of the
12 Foreign Service Act of 1980 (Public Law 96–465) is not
13 subject to this section.

14 STUDY AND REPORT ON CREDIT CARD FEES

15 SEC. 745. (a) STUDY.—The Comptroller General of
16 the United States shall conduct a study of the feasibility
17 of allowing agencies of the Federal Government to impose
18 convenience fees for the use of credit cards for the pur-
19 chase of goods or services by individuals or businesses
20 from Federal agencies, where such convenience fees would
21 be designed to recover the cost to the Federal agency of
22 accepting credit card payments.

23 (b) CONSIDERATIONS.—In conducting the study re-
24 quired by subsection (a), the Comptroller General shall
25 take into consideration—

1 (1) the impact of convenience fees on con-
2 sumers;

3 (2) the extent to which convenience fees would
4 affect the ability of smaller financial institutions and
5 credit unions to offer basic banking and other serv-
6 ices, as well as compete against larger financial in-
7 stitutions; and

8 (3) the impact of convenience fees on Federal
9 agencies and departments.

10 (c) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, the Comptroller General shall
12 submit a report to Congress on the results of the study
13 required by this section.

14 SEC. 746. (a) UNLAWFUL COMPENSATION FOR
15 DELAY.—

16 (1) IN GENERAL.—The Federal Trade Commis-
17 sion Act (15 U.S.C. 44 et seq.) is amended—

18 (A) by redesignating section 28 as section
19 29; and

20 (B) by inserting before section 29, as re-
21 designated, the following:

22 **“SEC. 28. PRESERVING ACCESS TO AFFORDABLE**
23 **GENERICs.**

24 “(a) IN GENERAL.—

1 “(1) ENFORCEMENT PROCEEDING.—The Fed-
2 eral Trade Commission may initiate a proceeding to
3 enforce the provisions of this section against the
4 parties to any agreement resolving or settling, on a
5 final or interim basis, a patent infringement claim,
6 in connection with the sale of a drug product.

7 “(2) PRESUMPTION.—

8 “(A) IN GENERAL.—Subject to subpara-
9 graph (B), in such a proceeding, an agreement
10 shall be presumed to have anticompetitive ef-
11 fects and be unlawful if—

12 “(i) an ANDA filer receives anything
13 of value; and

14 “(ii) the ANDA filer agrees to limit or
15 forego research, development, manufac-
16 turing, marketing, or sales of the ANDA
17 product for any period of time.

18 “(B) EXCEPTION.—The presumption in
19 subparagraph (A) shall not apply if the parties
20 to such agreement demonstrate by clear and
21 convincing evidence that the procompetitive
22 benefits of the agreement outweigh the anti-
23 competitive effects of the agreement.

1 “(b) COMPETITIVE FACTORS.—In determining
2 whether the settling parties have met their burden under
3 subsection (a)(2)(B), the fact finder shall consider—

4 “(1) the length of time remaining until the end
5 of the life of the relevant patent, compared with the
6 agreed upon entry date for the ANDA product;

7 “(2) the value to consumers of the competition
8 from the ANDA product allowed under the agree-
9 ment;

10 “(3) the form and amount of consideration re-
11 ceived by the ANDA filer in the agreement resolving
12 or settling the patent infringement claim;

13 “(4) the revenue the ANDA filer would have re-
14 ceived by winning the patent litigation;

15 “(5) the reduction in the NDA holder’s reve-
16 nues if it had lost the patent litigation;

17 “(6) the time period between the date of the
18 agreement conveying value to the ANDA filer and
19 the date of the settlement of the patent infringement
20 claim; and

21 “(7) any other factor that the fact finder, in its
22 discretion, deems relevant to its determination of
23 competitive effects under this subsection.

1 “(c) LIMITATIONS.—In determining whether the set-
2 tling parties have met their burden under subsection
3 (a)(2)(B), the fact finder shall not presume—

4 “(1) that entry would not have occurred until
5 the expiration of the relevant patent or statutory ex-
6 clusivity; or

7 “(2) that the agreement’s provision for entry of
8 the ANDA product prior to the expiration of the rel-
9 evant patent or statutory exclusivity means that the
10 agreement is pro-competitive, although such evidence
11 may be relevant to the fact finder’s determination
12 under this section.

13 “(d) EXCLUSIONS.—Nothing in this section shall pro-
14 hibit a resolution or settlement of a patent infringement
15 claim in which the consideration granted by the NDA
16 holder to the ANDA filer as part of the resolution or set-
17 tlement includes only one or more of the following:

18 “(1) The right to market the ANDA product in
19 the United States prior to the expiration of—

20 “(A) any patent that is the basis for the
21 patent infringement claim; or

22 “(B) any patent right or other statutory
23 exclusivity that would prevent the marketing of
24 such drug.

1 “(2) A payment for reasonable litigation ex-
2 penses not to exceed \$7,500,000.

3 “(3) A covenant not to sue on any claim that
4 the ANDA product infringes a United States patent.

5 “(e) REGULATIONS AND ENFORCEMENT.—

6 “(1) REGULATIONS.—The Federal Trade Com-
7 mission may issue, in accordance with section 553 of
8 title 5, United States Code, regulations imple-
9 menting and interpreting this section. These regula-
10 tions may exempt certain types of agreements de-
11 scribed in subsection (a) if the Commission deter-
12 mines such agreements will further market competi-
13 tion and benefit consumers. Judicial review of any
14 such regulation shall be in the United States Dis-
15 trict Court for the District of Columbia pursuant to
16 section 706 of title 5, United States Code.

17 “(2) ENFORCEMENT.—A violation of this sec-
18 tion shall be treated as a violation of section 5.

19 “(3) JUDICIAL REVIEW.—Any person, partner-
20 ship or corporation that is subject to a final order
21 of the Commission, issued in an administrative adju-
22 dicative proceeding under the authority of subsection
23 (a)(1), may, within 30 days of the issuance of such
24 order, petition for review of such order in the United
25 States Court of Appeals for the District of Columbia

1 Circuit or the United States Court of Appeals for
2 the circuit in which the ultimate parent entity, as
3 defined at 16 C.F.R. 801.1(a)(3), of the NDA hold-
4 er is incorporated as of the date that the NDA is
5 filed with the Secretary of the Food and Drug Ad-
6 ministration, or the United States Court of Appeals
7 for the circuit in which the ultimate parent entity of
8 the ANDA filer is incorporated as of the date that
9 the ANDA is filed with the Secretary of the Food
10 and Drug Administration. In such a review pro-
11 ceeding, the findings of the Commission as to the
12 facts, if supported by evidence, shall be conclusive.

13 “(f) ANTITRUST LAWS.—Nothing in this section shall
14 be construed to modify, impair, or supersede the applica-
15 bility of the antitrust laws as defined in subsection (a)
16 of the first section of the Clayton Act (15 U.S.C. 12(a))
17 and of section 5 of this Act to the extent that section 5
18 applies to unfair methods of competition. Nothing in this
19 section shall modify, impair, limit or supersede the right
20 of an ANDA filer to assert claims or counterclaims against
21 any person, under the antitrust laws or other laws relating
22 to unfair competition.

23 “(g) PENALTIES.—

24 “(1) FORFEITURE.—Each person, partnership
25 or corporation that violates or assists in the violation

1 of this section shall forfeit and pay to the United
2 States a civil penalty sufficient to deter violations of
3 this section, but in no event greater than 3 times the
4 value received by the party that is reasonably attrib-
5 utable to a violation of this section. If no such value
6 has been received by the NDA holder, the penalty to
7 the NDA holder shall be shall be sufficient to deter
8 violations, but in no event greater than 3 times the
9 value given to the ANDA filer reasonably attrib-
10 utable to the violation of this section. Such penalty
11 shall accrue to the United States and may be recov-
12 ered in a civil action brought by the Federal Trade
13 Commission, in its own name by any of its attorneys
14 designated by it for such purpose, in a district court
15 of the United States against any person, partnership
16 or corporation that violates this section. In such ac-
17 tions, the United States district courts are empow-
18 ered to grant mandatory injunctions and such other
19 and further equitable relief as they deem appro-
20 priate.

21 “(2) CEASE AND DESIST.—

22 “(A) IN GENERAL.—If the Commission has
23 issued a cease and desist order with respect to
24 a person, partnership or corporation in an ad-
25 ministrative adjudicative proceeding under the

1 authority of subsection (a)(1), an action
2 brought pursuant to paragraph (1) may be
3 commenced against such person, partnership or
4 corporation at any time before the expiration of
5 1 year after such order becomes final pursuant
6 to section 5(g).

7 “(B) EXCEPTION.—In an action under
8 subparagraph (A), the findings of the Commis-
9 sion as to the material facts in the administra-
10 tive adjudicative proceeding with respect to
11 such person’s, partnership’s or corporation’s
12 violation of this section shall be conclusive un-
13 less—

14 “(i) the terms of such cease and de-
15 sist order expressly provide that the Com-
16 mission’s findings shall not be conclusive;
17 or

18 “(ii) the order became final by reason
19 of section 5(g)(1), in which case such find-
20 ing shall be conclusive if supported by evi-
21 dence.

22 “(3) CIVIL PENALTY.—In determining the
23 amount of the civil penalty described in this section,
24 the court shall take into account—

1 “(A) the nature, circumstances, extent,
2 and gravity of the violation;

3 “(B) with respect to the violator, the de-
4 gree of culpability, any history of violations, the
5 ability to pay, any effect on the ability to con-
6 tinue doing business, profits earned by the
7 NDA holder, compensation received by the
8 ANDA filer, and the amount of commerce af-
9 fected; and

10 “(C) other matters that justice requires.

11 “(4) REMEDIES IN ADDITION.—Remedies pro-
12 vided in this subsection are in addition to, and not
13 in lieu of, any other remedy provided by Federal
14 law. Nothing in this paragraph shall be construed to
15 affect any authority of the Commission under any
16 other provision of law.

17 “(h) DEFINITIONS.—In this section:

18 “(1) AGREEMENT.—The term ‘agreement’
19 means anything that would constitute an agreement
20 under section 1 of the Sherman Act (15 U.S.C. 1)
21 or section 5 of this Act.

22 “(2) AGREEMENT RESOLVING OR SETTLING A
23 PATENT INFRINGEMENT CLAIM.—The term ‘agree-
24 ment resolving or settling a patent infringement
25 claim’ includes any agreement that is entered into

1 within 30 days of the resolution or the settlement of
2 the claim, or any other agreement that is contingent
3 upon, provides a contingent condition for, or is oth-
4 erwise related to the resolution or settlement of the
5 claim.

6 “(3) ANDA.—The term ‘ANDA’ means an ab-
7 breviated new drug application, as defined under
8 section 505(j) of the Federal Food, Drug, and Cos-
9 metic Act (21 U.S.C. 355(j)).

10 “(4) ANDA FILER.—The term ‘ANDA filer’
11 means a party who has filed an ANDA with the
12 Food and Drug Administration.

13 “(5) ANDA PRODUCT.—The term ‘ANDA
14 product’ means the product to be manufactured
15 under the ANDA that is the subject of the patent
16 infringement claim.

17 “(6) DRUG PRODUCT.—The term ‘drug prod-
18 uct’ means a finished dosage form (e.g., tablet, cap-
19 sule, or solution) that contains a drug substance,
20 generally, but not necessarily, in association with 1
21 or more other ingredients, as defined in section
22 314.3(b) of title 21, Code of Federal Regulations.

23 “(7) NDA.—The term ‘NDA’ means a new
24 drug application, as defined under section 505(b) of

1 the Federal Food, Drug, and Cosmetic Act (21
2 U.S.C. 355(b)).

3 “(8) NDA HOLDER.—The term ‘NDA holder’
4 means—

5 “(A) the party that received FDA approval
6 to market a drug product pursuant to an NDA;

7 “(B) a party owning or controlling enforce-
8 ment of the patent listed in the Approved Drug
9 Products With Therapeutic Equivalence Eval-
10 uations (commonly known as the ‘FDA Orange
11 Book’) in connection with the NDA; or

12 “(C) the predecessors, subsidiaries, divi-
13 sions, groups, and affiliates controlled by, con-
14 trolling, or under common control with any of
15 the entities described in subparagraphs (A) and
16 (B) (such control to be presumed by direct or
17 indirect share ownership of 50 percent or great-
18 er), as well as the licensees, licensors, succes-
19 sors, and assigns of each of the entities.

20 “(9) PATENT INFRINGEMENT.—The term ‘pat-
21 ent infringement’ means infringement of any patent
22 or of any filed patent application, extension, reissue,
23 renewal, division, continuation, continuation in part,
24 reexamination, patent term restoration, patents of
25 addition and extensions thereof.

1 “(10) PATENT INFRINGEMENT CLAIM.—The
2 term ‘patent infringement claim’ means any allega-
3 tion made to an ANDA filer, whether or not in-
4 cluded in a complaint filed with a court of law, that
5 its ANDA or ANDA product may infringe any pat-
6 ent held by, or exclusively licensed to, the NDA
7 holder of the drug product.

8 “(11) STATUTORY EXCLUSIVITY.—The term
9 ‘statutory exclusivity’ means those prohibitions on
10 the approval of drug applications under clauses (ii)
11 through (iv) of section 505(c)(3)(E) (5- and 3-year
12 data exclusivity), section 527 (orphan drug exclu-
13 sivity), or section 505A (pediatric exclusivity) of the
14 Federal Food, Drug, and Cosmetic Act.”.

15 (2) EFFECTIVE DATE.—Section 28 of the Fed-
16 eral Trade Commission Act, as added by this sec-
17 tion, shall apply to all agreements described in sec-
18 tion 28(a)(1) of that Act entered into after Novem-
19 ber 15, 2009. Section 28(g) of the Federal Trade
20 Commission Act, as added by this section, shall not
21 apply to agreements entered into before the date of
22 enactment of this chapter.

23 (b) NOTICE AND CERTIFICATION OF AGREE-
24 MENTS.—

1 (1) NOTICE OF ALL AGREEMENTS.—Section
 2 1112(c)(2) of the Medicare Prescription Drug, Im-
 3 provement, and Modernization Act of 2003 (21
 4 U.S.C. 355 note) is amended—

5 (A) by striking “the Commission the” and
 6 inserting the following: “the Commission—”

7 “(A) the”;

8 (B) by striking the period and inserting “;
 9 and”; and

10 (C) by inserting at the end the following:

11 ““(B) any other agreement the parties enter
 12 into within 30 days of entering into an agreement
 13 covered by subsection (a) or (b).’”.

14 (2) CERTIFICATION OF AGREEMENTS.—Section
 15 1112 of such Act is amended by adding at the end
 16 the following:

17 ““(d) CERTIFICATION.—The Chief Executive Officer
 18 or the company official responsible for negotiating any
 19 agreement required to be filed under subsection (a), (b),
 20 or (c) shall execute and file with the Assistant Attorney
 21 General and the Commission a certification as follows: “I
 22 declare that the following is true, correct, and complete
 23 to the best of my knowledge: The materials filed with the
 24 Federal Trade Commission and the Department of Justice
 25 under section 1112 of subtitle B of title XI of the Medi-

1 care Prescription Drug, Improvement, and Modernization
 2 Act of 2003, with respect to the agreement referenced in
 3 this certification: (1) represent the complete, final, and ex-
 4 clusive agreement between the parties; (2) include any an-
 5 cillary agreements that are contingent upon, provide a
 6 contingent condition for, or are otherwise related to, the
 7 referenced agreement; and (3) include written descriptions
 8 of any oral agreements, representations, commitments, or
 9 promises between the parties that are responsive to sub-
 10 section (a) or (b) of such section 1112 and have not been
 11 reduced to writing.”.’”.

12 (c) FORFEITURE OF 180-DAY EXCLUSIVITY PE-
 13 RIOD.—Section 505(j)(5)(D)(i)(V) of the Federal Food,
 14 Drug and Cosmetic Act (21 U.S.C. 355(j)(5)(D)(i)(V)) is
 15 amended by inserting “section 28 of the Federal Trade
 16 Commission Act or” after “that the agreement has vio-
 17 lated”.

18 (d) COMMISSION LITIGATION AUTHORITY.—Section
 19 16(a)(2) of the Federal Trade Commission Act (15 U.S.C.
 20 56(a)(2)) is amended—

- 21 (1) in subparagraph (D), by striking “or” after
 22 the semicolon;
- 23 (2) in subparagraph (E), by inserting “or”
 24 after the semicolon; and

1 (3) by inserting after subparagraph (E) the fol-
2 lowing:

3 “(F) under section 28;”.

4 (e) STATUTE OF LIMITATIONS.—The Commission
5 shall commence any enforcement proceeding described in
6 section 28 of the Federal Trade Commission Act, as added
7 by section 3202, except for an action described in section
8 28(g)(2) of the Federal Trade Commission Act, not later
9 than 3 years after the date on which the parties to the
10 agreement file the Notice of Agreement as provided by sec-
11 tion 1112(c) of the Medicare Prescription Drug Improve-
12 ment and Modernization Act of 2003 (21 U.S.C. 355
13 note).

14 (f) SEVERABILITY.—If any provision of this chapter,
15 an amendment made by this chapter, or the application
16 of such provision or amendment to any person or cir-
17 cumstance is held to be unconstitutional, the remainder
18 of this chapter, the amendments made by this chapter,
19 and the application of the provisions of such chapter or
20 amendments to any person or circumstance shall not be
21 affected thereby.

1 TITLE VIII
2 GENERAL PROVISIONS—DISTRICT OF
3 COLUMBIA

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 801. Whenever in this Act, an amount is speci-
6 fied within an appropriation for particular purposes or ob-
7 jects of expenditure, such amount, unless otherwise speci-
8 fied, shall be considered as the maximum amount that
9 may be expended for said purpose or object rather than
10 an amount set apart exclusively therefor.

11 SEC. 802. Appropriations in this Act shall be avail-
12 able for expenses of travel and for the payment of dues
13 of organizations concerned with the work of the District
14 of Columbia government, when authorized by the Mayor,
15 or, in the case of the Council of the District of Columbia,
16 funds may be expended with the authorization of the
17 Chairman of the Council.

18 SEC. 803. There are appropriated from the applicable
19 funds of the District of Columbia such sums as may be
20 necessary for making refunds and for the payment of legal
21 settlements or judgments that have been entered against
22 the District of Columbia government.

23 SEC. 804. (a) None of the Federal funds provided in
24 this Act shall be used for publicity or propaganda purposes
25 or implementation of any policy including boycott designed

1 to support or defeat legislation pending before Congress
2 or any State legislature.

3 (b) The District of Columbia may use local funds pro-
4 vided in this title to carry out lobbying activities on any
5 matter.

6 SEC. 805. (a) None of the Federal funds provided
7 under this Act to the agencies funded by this Act, both
8 Federal and District government agencies, that remain
9 available for obligation or expenditure in fiscal year 2011,
10 or provided from any accounts in the Treasury of the
11 United States derived by the collection of fees available
12 to the agencies funded by this Act, shall be available for
13 obligation or expenditures for an agency through a re-
14 programming of funds which—

15 (1) creates new programs;

16 (2) eliminates a program, project, or responsi-
17 bility center;

18 (3) establishes or changes allocations specifi-
19 cally denied, limited or increased under this Act;

20 (4) increases funds or personnel by any means
21 for any program, project, or responsibility center for
22 which funds have been denied or restricted;

23 (5) re-establishes any program or project pre-
24 viously deferred through reprogramming;

1 (6) augments any existing program, project, or
2 responsibility center through a reprogramming of
3 funds in excess of \$3,000,000 or 10 percent, which-
4 ever is less; or

5 (7) increases by 20 percent or more personnel
6 assigned to a specific program, project or responsi-
7 bility center,

8 unless the Committees on Appropriations of the House of
9 Representatives and the Senate are notified in writing 15
10 days in advance of the reprogramming.

11 (b) The District of Columbia government is author-
12 ized to approve and execute reprogramming and transfer
13 requests of local funds under this title through November
14 1, 2011.

15 SEC. 806. Consistent with the provisions of section
16 1301(a) of title 31, United States Code, appropriations
17 under this Act shall be applied only to the objects for
18 which the appropriations were made except as otherwise
19 provided by law.

20 SEC. 807. None of the Federal funds provided in this
21 Act may be used by the District of Columbia to provide
22 for salaries, expenses, or other costs associated with the
23 offices of United States Senator or United States Rep-
24 resentative under section 4(d) of the District of Columbia

1 Statehood Constitutional Convention Initiatives of 1979
2 (D.C. Law 3–171; D.C. Official Code, sec. 1–123).

3 SEC. 808. Except as otherwise provided in this sec-
4 tion, none of the funds made available by this Act or by
5 any other Act may be used to provide any officer or em-
6 ployee of the District of Columbia with an official vehicle
7 unless the officer or employee uses the vehicle only in the
8 performance of the officer’s or employee’s official duties.
9 For purposes of this section, the term “official duties”
10 does not include travel between the officer’s or employee’s
11 residence and workplace, except in the case of—

12 (1) an officer or employee of the Metropolitan
13 Police Department who resides in the District of Co-
14 lumbia or a District of Columbia government em-
15 ployee as may otherwise be designated by the Chief
16 of the Department;

17 (2) at the discretion of the Fire Chief, an offi-
18 cer or employee of the District of Columbia Fire and
19 Emergency Medical Services Department who re-
20 sides in the District of Columbia and is on call 24
21 hours a day or is otherwise designated by the Fire
22 Chief;

23 (3) at the discretion of the Director of the De-
24 partment of Corrections, an officer or employee of
25 the District of Columbia Department of Corrections

1 who resides in the District of Columbia and is on
2 call 24 hours a day or is otherwise designated by the
3 Director;

4 (4) the Mayor of the District of Columbia; and
5 (5) the Chairman of the Council of the District
6 of Columbia.

7 SEC. 809. (a) None of the Federal funds contained
8 in this Act may be used by the District of Columbia Attor-
9 ney General or any other officer or entity of the District
10 government to provide assistance for any petition drive or
11 civil action which seeks to require Congress to provide for
12 voting representation in Congress for the District of Co-
13 lumbia.

14 (b) Nothing in this section bars the District of Co-
15 lumbia Attorney General from reviewing or commenting
16 on briefs in private lawsuits, or from consulting with offi-
17 cials of the District government regarding such lawsuits.

18 SEC. 810. None of the Federal funds contained in
19 this Act may be used to distribute any needle or syringe
20 for the purpose of preventing the spread of blood borne
21 pathogens in any location that has been determined by the
22 local public health or local law enforcement authorities to
23 be inappropriate for such distribution.

24 SEC. 811. Nothing in this Act may be construed to
25 prevent the Council or Mayor of the District of Columbia

1 from addressing the issue of the provision of contraceptive
2 coverage by health insurance plans, but it is the intent
3 of Congress that any legislation enacted on such issue
4 should include a “conscience clause” which provides excep-
5 tions for religious beliefs and moral convictions.

6 SEC. 812. The Mayor of the District of Columbia
7 shall submit to the Committees on Appropriations of the
8 House of Representatives and the Senate, the Committee
9 on Oversight and Government Reform of the House of
10 Representatives, and the Committee on Homeland Secu-
11 rity and Governmental Affairs of the Senate annual re-
12 ports addressing—

13 (1) crime, including the homicide rate, imple-
14 mentation of community policing, the number of po-
15 lice officers on local beats, and the closing down of
16 open-air drug markets;

17 (2) access to substance and alcohol abuse treat-
18 ment, including the number of treatment slots, the
19 number of people served, the number of people on
20 waiting lists, and the effectiveness of treatment pro-
21 grams, the retention rates in treatment programs,
22 and the recidivism/re-arrest rates for treatment par-
23 ticipants;

24 (3) management of parolees and pre-trial vio-
25 lent offenders, including the number of halfway

1 houses escapes and steps taken to improve moni-
2 toring and supervision of halfway house residents to
3 reduce the number of escapes to be provided in con-
4 sultation with the Court Services and Offender Su-
5 pervision Agency for the District of Columbia;

6 (4) education, including access to special edu-
7 cation services and student achievement to be pro-
8 vided in consultation with the District of Columbia
9 Public Schools and the District of Columbia public
10 charter schools, repeated grade rates, high school
11 graduation rates, post-secondary education attend-
12 ance rates, and teen pregnancy rates;

13 (5) improvement in basic District services, in-
14 cluding rat control and abatement;

15 (6) application for and management of Federal
16 grants, including the number and type of grants for
17 which the District was eligible but failed to apply
18 and the number and type of grants awarded to the
19 District but for which the District failed to spend
20 the amounts received;

21 (7) indicators of child and family well-being in-
22 cluding child living arrangements by family struc-
23 ture, number of children aging out of foster care,
24 poverty rates by family structure, crime by family

1 structure, marriage rates by income quintile, and
2 out-of-wedlock births; and

3 (8) employment, including job status and par-
4 ticipation in assistance programs by income, edu-
5 cation and family structure.

6 SEC. 813. None of the Federal funds contained in
7 this Act may be used to enact or carry out any law, rule,
8 or regulation to legalize or otherwise reduce penalties asso-
9 ciated with the possession, use, or distribution of any
10 schedule I substance under the Controlled Substances Act
11 (21 U.S.C. 801 et seq.) or any tetrahydrocannabinols de-
12 rivative.

13 SEC. 814. None of the Federal funds appropriated
14 under this Act shall be expended for any abortion except
15 where the life of the mother would be endangered if the
16 fetus were carried to term or where the pregnancy is the
17 result of an act of rape or incest.

18 SEC. 815. (a) No later than 30 calendar days after
19 the date of the enactment of this Act, the Chief Financial
20 Officer for the District of Columbia shall submit to the
21 appropriate committees of Congress, the Mayor, and the
22 Council of the District of Columbia, a revised appropriated
23 funds operating budget in the format of the budget that
24 the District of Columbia government submitted pursuant
25 to section 442 of the District of Columbia Home Rule Act

1 (D.C. Official Code, sec. 1–204.42), for all agencies of the
2 District of Columbia government for fiscal year 2010 that
3 is in the total amount of the approved appropriation and
4 that realigns all budgeted data for personal services and
5 other-than-personal services, respectively, with anticipated
6 actual expenditures.

7 (b) This section shall apply only to an agency for
8 which the Chief Financial Officer for the District of Co-
9 lumbia certifies that a reallocation is required to address
10 unanticipated changes in program requirements.

11 SEC. 816. No later than 30 calendar days after the
12 date of the enactment of this Act, the Chief Financial Offi-
13 cer for the District of Columbia shall submit to the appro-
14 priate committees of Congress, the Mayor, and the Council
15 for the District of Columbia, a revised appropriated funds
16 operating budget for the District of Columbia Public
17 Schools that aligns schools budgets to actual enrollment.
18 The revised appropriated funds budget shall be in the for-
19 mat of the budget that the District of Columbia govern-
20 ment submitted pursuant to section 442 of the District
21 of Columbia Home Rule Act (D.C. Official Code, Sec. 1–
22 204.42).

23 SEC. 817. Amounts appropriated in this Act as oper-
24 ating funds may be transferred to the District of Colum-
25 bia’s enterprise and capital funds and such amounts, once

1 transferred, shall retain appropriation authority consistent
2 with the provisions of this Act.

3 SEC. 818. Notwithstanding any other laws, for this
4 and succeeding fiscal years, the Director of the District
5 of Columbia Public Defender Service shall, to the extent
6 the Director considers appropriate, provide representation
7 for and hold harmless, or provide liability insurance for,
8 any person who is an employee, member of the Board of
9 Trustees, or officer of the District of Columbia Public De-
10 fender Service for money damages arising out of any
11 claim, proceeding, or case at law relating to the furnishing
12 of representational services or management services or re-
13 lated services while acting within the scope of that per-
14 son's office or employment, including, but not limited to
15 such claims, proceedings, or cases at law involving employ-
16 ment actions, injury, loss of liberty, property damage, loss
17 of property, or personal injury, or death arising from mal-
18 practice or negligence of any such officer or employee.

19 SEC. 819. Section 346 of the District of Columbia
20 Appropriations Act, 2005 (Public Law 108-335) is
21 amended—

22 (1) in the title, by striking “BIENNIAL”;

23 (2) in subsection (a), by striking “Biennial
24 management” and inserting “Management”;

1 (3) in subsection (a), by striking “States.” and
2 inserting “States every five years.”; and

3 (4) in subsection (b)(6), by striking “2” and in-
4 serting “5”.

5 SEC. 820. Except as expressly provided otherwise,
6 any reference to “this Act” contained in this title or in
7 title IV shall be treated as referring only to the provisions
8 of this title or of title IV.

9 This Act may be cited as the “Financial Services and
10 General Government Appropriations Act, 2011”.

Calendar No. 497

111TH CONGRESS
2D Session

S. 3677

[Report No. 111-238]

A BILL

Making appropriations for financial services and
general government for the fiscal year ending
September 30, 2011, and for other purposes.

JULY 29, 2011

Read twice and placed on the calendar