

**GOVERNMENT-WIDE GENERAL
PROVISIONS
FOR A FULL-YEAR
FY 2011 CONTINUING RESOLUTION**

TABLE OF CONTENTS

Government-wide General Provisions:

Transfer Authority	3
Advance Appropriations	3
Rescissions and CHIMPS	4
Construction and New Starts	4
Earmarks	4
User Fees.....	4
Appropriated Entitlements	5
Executive Branch Pay Freeze	5

FY 2011 FULL-YEAR CONTINUING RESOLUTION GOVERNMENT-WIDE GENERAL PROVISIONS

Government-wide General Provisions

Transfer Authority

Sec. _____. (a) Amounts made available by section 101 for one-time, unnecessary, or lower priority programs or activities shall be available for transfer by the head of the agency to the extent necessary to avoid furloughs or reductions in force, or to otherwise ensure the provision of critical activities: Provided, That such transfers may result in the termination of such one-time, unnecessary, or lower priority programs or activities: Provided further, That such transfers shall be subject to the regular notification procedures of the House and Senate Appropriations Committees.

(b) To the extent that funding provided by section 101 is required to be transferred, the head of an agency may determine that, in order to avoid furloughs or reductions in force, or to otherwise ensure the provision of critical activities, such transfer shall not be made, in whole or in part: Provided, That this authority shall be subject to the regular notification procedures of the House and Senate Appropriations Committees.

(c) The authorities provided by subsection (a) and (b) of this section shall be in addition to any other transfer authority provided elsewhere in statute.

Advance Appropriations

Sec. _____. (a) With respect to any discretionary account for which advance appropriations were provided for fiscal year 2011 or 2012 in an appropriations Act for fiscal year 2010, the levels established by section 101 shall include advance appropriations in the same amount for fiscal year 2012 or 2013, respectively, with a comparable period of availability.

(b) In addition to amounts provided by subsection (a), an additional amount is provided for the following accounts in the amounts specified:

(1) “Department of Veterans Affairs – Medical Services”, \$2,513,985,000, which shall become available on October 1, 2011, and shall remain available until September 30, 2012: Provided, That of the amounts provided for this account for fiscal year 2012, \$1,600,000,000 shall remain available until September 30, 2013.

(2) “Department of Veterans Affairs – Medical Support and Compliance”, \$228,000,000, which shall become available on October 1, 2011, and shall remain available until September 30, 2012: Provided, That of the amounts provided for this account for fiscal year 2012, \$250,000,000 shall remain available until September 30, 2013.

(c) Notwithstanding subsection (a), amounts are provided for “Department of Veterans Affairs – Medical Facilities” in the amount of \$5,426,000,000, which shall become available on October 1, 2011, and shall remain available until September 30, 2012: Provided, That of the amounts provided for this account for fiscal year 2012, \$350,000,000 shall remain available until September 30, 2013.

Rescissions and CHIMPS (currently only DOJ-FBI addressed)

Sec. ____ . Amounts made available by section 101 for “Department of Justice, Federal Bureau of Investigation, Salaries and Expenses” shall not include the fiscal year 2010 rescission of \$50,000,000.

Construction and New Starts

Sec. ____ . Funds made available or authority granted pursuant to section 101 may be used to initiate or resume any program, project or activity, including construction projects, to the extent and in the manner provided in a statute enacted during fiscal year 2010 or 2011, or in the President’s Fiscal Year 2011 budget proposal, subject to the regular notification procedures of the House and Senate Appropriations Committees: Provided, That the head of an agency may terminate programs, projects, or activities (and related contracts) in order to make such funding available.

Earmarks

Sec. ____ . Any provision or language related to congressional earmarks or congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) in an appropriations act, explanatory statement, conference report, committee report or statement of managers accompanying an appropriations Act for fiscal year 2010 shall have no legal effect with respect to funds appropriated by this division.

User Fees

Sec. ____ . (a) Notwithstanding section 101, user fees from the following accounts are available for obligation to the extent collected:

(1) Department of Commerce, U.S. Patent and Trademark Office, Salaries and Expense: Provided, That, in addition, the U.S. Patent and Trademark Office may also collect during fiscal year 2011 a surcharge of 15 percent, rounded by standard arithmetic rules, on fees charged or authorized by sections 41(a), (b), (d)(1) and 132(b) of title 35, United States Code, as administered under Public Law 108-447, and such amounts shall be available for obligation until expended;

(2) Department of Health and Human Services, Food and Drug Administration, Salaries and Expenses.

(b) Notwithstanding section 101, user fees for the Securities and Exchange Commission, Salaries and Expenses, shall be available for obligation in the amount of \$1,160,100,000: Provided, That the authority provided in this subsection shall be deemed a regular appropriation for purposes of section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) and section 13(e), 14(g), and 31(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e), 78n(g) and 78ee(k)).

(c) Notwithstanding section 101, the Federal Communications Commission is authorized to assess and collect pursuant to section 9 of title I of the Communications Act of 1934 offsetting

collections during fiscal year 2011 of \$348,634,000, and such amounts shall be available for obligation until expended.

Appropriated Entitlements

Sec. ____ . (a) For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2010, and for activities under the Food and Nutrition Act of 2008, the levels established by section 101 shall be the amounts necessary to maintain program levels under current law.

(b) In addition to the amounts otherwise provided by section 101, the following amounts shall be available for the following accounts for advance payments for the first quarter of fiscal year 2012:

(1) “Department of Labor, Employment Standards Administration, Special Benefits for Disabled Coal Miners”, for benefit payments under title IV of the Federal Mine Safety and Health Act of 1977, \$41,000,000, to remain available until expended.

(2) “Department of Health and Human Services, Centers for Medicare and Medicaid Services, Grants to States for Medicaid”, for payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act, \$86,445,289,000, to remain available until expended.

(3) “Department of Health and Human Services, Administration for Children and Families, Payments to States for Child Support Enforcement and Family Support Programs”, for payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), \$1,200,000,000, to remain available until expended.

(4) “Department of Health and Human Services, Administration for Children and Families, Payments to States for Foster Care and Adoption Assistance”, for payments to States or other non-Federal entities under title IV–E of the Social Security Act, \$1,850,000,000.

(5) “Social Security Administration, Supplemental Security Income Program”, for benefit payments under title XVI of the Social Security Act, \$13,400,000,000, to remain available until expended.

Executive Branch Pay Freeze

Sec. ____ . (a) For purposes of this section—

(1) “employee” means an employee as defined in section 2105 of title 5, United States Code, including those individuals otherwise excluded by subsection (b), (c), or (f) of that section;

(2) “senior executive” means a member of the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code; a member of the FBI-DEA Senior Executive Service under subchapter III of chapter 31 of title 5, United States Code; a member of the Senior Foreign Service under subchapter IV of chapter 52 of title 22, United States Code; and any member of a similar senior executive service; and

(3) “senior-level employee” means an employee who is covered by section 5376 of title 5, United States Code, or other similar authority.

(b) Notwithstanding any other provision of law, no statutory adjustment shall be made during the period beginning on January 1, 2011, and ending on December 31, 2012, to any pay system or pay schedule covering employees of the Executive branch.

(c) The adjustments referenced in subsection (b) include the adjustments under sections 5303, 5304, 5304a, 5318, and 5343(a) of title 5, United States Code, and any similar statutory adjustments to pay schedules under any other pay system for Executive branch employees.

(d) During the period beginning on January 1, 2011, and ending on December 31, 2012, no senior executive or senior-level employee may receive an increase in his or her rate of basic pay absent a change of position that results in a substantial increase in responsibility, or a promotion.

(e) The President may issue interpretative guidelines and procedural requirements that Executive agencies shall apply in their implementation of this section.