

# GENERAL PROVISIONS GOVERNMENT-WIDE

## GENERAL PROVISIONS

SEC. 701. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2012 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act (21 U.S.C. 802)) by the officers and employees of such department, agency, or instrumentality.

SEC. 702. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with subsection 1343(c) of title 31, United States Code, for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at \$13,197 except station wagons for which the maximum shall be \$13,631: Provided, That these limits may be exceeded by not to exceed \$3,700 for police-type vehicles, and by not to exceed \$4,000 for special heavy-duty vehicles: Provided further, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: Provided further, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101-549 over the cost of comparable conventionally fueled vehicles: Provided further, That the limits set forth in this section shall not apply to any vehicle that is a commercial item and which operates on emerging motor vehicle technology, including but not limited to electric, plug-in hybrid electric, and hydrogen fuel cell vehicles.

SEC. 703. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922-5924.

SEC. 704. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person who is lawfully admitted for permanent residence and is seeking citizenship as outlined in 8 U.S.C. 1324b(a)(3)(B); (3) is a person who is admitted as a refugee under 8 U.S.C. 1157 or is granted asylum under 8 U.S.C. 1158 and has filed a declaration of intention to become a lawful permanent resident and then a citizen when eligible; or (4) is a person who owes allegiance to the United States: Provided, That for purposes of this section, affidavits signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status are being complied with: Provided further, That any person making a false affidavit shall be guilty of a felony, and upon conviction, shall be fined no more than \$4,000 or imprisoned for not more than 1 year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: Provided further, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government: Provided further, That this section shall not apply to any person who is an officer or employee of the Government of the United States on the date of enactment of this Act, or to international broadcasters employed by the Broadcasting Board of Governors, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies: Provided further, That this section does not apply to the employment as Wildland firefighters for not more than 120 days of non-resident aliens employed by the Department of the Interior or the USDA Forest Service pursuant to an agreement with another country.

SEC. 705. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which

constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

SEC. 706. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

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

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

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

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

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

SEC. 709. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

SEC. 710. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2012, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2012, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2012, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2012 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2012 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

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

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in

existence on September 30, 2011, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2011, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2011.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 711. During the period in which the head of any department or agency, or any other officer or civilian employee of the Federal Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of \$5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is transmitted to the Committees on Appropriations of the House of Representatives and the Senate. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

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

SEC. 713. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to 5 U.S.C. 3302, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed forces detailed to or from—

- (1) the Central Intelligence Agency;
- (2) the National Security Agency;
- (3) the Defense Intelligence Agency;
- (4) the National Geospatial-Intelligence Agency;
- (5) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;
- (6) the Bureau of Intelligence and Research of the Department of State;
- (7) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and
- (8) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 714. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement

if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act of 1989 (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling." Provided, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government.

SEC. 715. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 716. (a) In this section, the term "agency"—

- (1) means an Executive agency, as defined under 5 U.S.C. 105;
- (2) includes a military department, as defined under section 102 of such title, the Postal Service, and the Postal Regulatory Commission; and
- (3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under 5 U.S.C. 6301(2), has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 717. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Federal Accounting Standards Advisory Board (FASAB), shall be available to finance an appropriate share of FASAB administrative costs.

(TRANSFER OF FUNDS)

SEC. 718. Notwithstanding 31 U.S.C. 1346 and section 708 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Government-wide Policy" with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: Provided, That these funds shall be administered by the Administrator of General Services to support Government-wide and other multi-agency financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency and multi-agency groups designated by the Director (including the President's Management Council for overall management improvement initiatives, the Chief Financial Officers Council for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, the Chief Acquisition Officers Council for procurement initiatives, and the Performance Improvement Council for performance improvement initiatives): Provided further, That the total funds transferred or reimbursed shall not exceed \$20,000,000 for Government-Wide innovations, initiatives, and activities: Provided further, That the funds transferred to or for reimbursement of "General Services Administration, Gov-

ernment-wide Policy" during fiscal year 2012 shall remain available for obligation through September 30, 2013: Provided further, That such transfers or reimbursements may only be made after 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 719. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 720. Notwithstanding 31 U.S.C. 1346, or section 708 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: Provided, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 721. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: Provided, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 722. (a) Prohibition of Federal Agency Monitoring of Individuals' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

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

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

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to providing the Internet site services or to protecting the rights or property of the provider of the Internet site.

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

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 723. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

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

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

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

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise

provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 724. The United States is committed to ensuring the health of its Olympic, Pan American, and Paralympic athletes, and supports the strict adherence to antidoping in sport through testing, adjudication, education, and research as performed by nationally recognized oversight authorities.

SEC. 725. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A-126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 726. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 727. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without advance notice to the Committees on Appropriations of the House of Representatives and the Senate, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 728. None of the funds appropriated or otherwise made available by this or any other Act may be used to begin or announce a study or public-private competition regarding the conversion to contractor performance of any function performed by Federal employees pursuant to Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy.

SEC. 729. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 730. Each executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. Such evaluations for individually billed travel charge cards shall include an assessment of the individual's consumer report from a consumer reporting agency as those terms are defined in section 603 of the Fair Credit Reporting Act (Public Law 91-508): Provided, That the department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: Provided further, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 731. (a) IN GENERAL.—None of the funds appropriated or otherwise made available by this or any other Act may be used for any Federal Government contract with any foreign incorporated entity which is treated as an inverted domestic corporation under section 835(b) of the Homeland Security Act of 2002 (6 U.S.C. 395(b)) or any subsidiary of such an entity.

(b) WAIVERS.—

(1) *IN GENERAL.*—Any Secretary shall waive subsection (a) with respect to any Federal Government contract under the authority of such Secretary if the Secretary determines that the waiver is required in the interest of national security.

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

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

**SEC. 732.** None of the funds made available by this or any other Act may be used to implement, administer, enforce, or apply the rule entitled "Competitive Area" published by the Office of Personnel Management in the Federal Register on April 15, 2008 (73 Fed. Reg. 20180 et seq.).

**SEC. 733.** (a) During fiscal year 2012, for each employee who—

(1) retires under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code, or

(2) retires under any other provision of subchapter III of chapter 83 or chapter 84 of such title 5 and receives a payment as an incentive to separate, the separating agency shall remit to the Civil Service Retirement and Disability Fund an amount equal to the Office of Personnel Management's average unit cost of processing a retirement claim for the preceding fiscal year. Such amounts shall be available until expended to the Office of Personnel Management and shall be deemed to be an administrative expense under section 8348(a)(1)(B) of title 5, United States Code.

**SEC. 734.** (a) Funds made available and used for Pay for Success projects in this or any other Act:

(1) shall support performance-based awards that—

(A) are designed to—

(i) promote innovative strategies to reduce the aggregate level of government investment needed to achieve successful outcomes; and

(ii) impose minimal administrative requirements on service providers, so as to allow for maximum flexibility to improve efficiency and effectiveness;

(B) are between the agency administering the appropriated funds and—

(i) a not-for-profit or other entity that is a provider of services;

(ii) a not-for-profit or other entity that arranges for the provision of services; or

(iii) a State, local, or tribal government that is providing services or contracting for the provision of services;

(C) specify—

(i) that the administering agency will disburse funds to the recipient of the award only upon a determination by such agency that one or more outcomes (as specified in the award) have been achieved, and that such determination shall be made through the use of reliable, objective outcome-measurement methodologies that are set forth in the award;

(ii) the affected population, the outcomes to be achieved, and the reliable, objective outcome-measurement methodologies that will be used to determine whether the specified outcomes have been achieved;

(D) where appropriate, are accompanied by waivers of non statutory administrative requirements; and

(E) are issued and administered by an agency under any existing authority (such as in the form of a grant, cooperative agreement, or other type of assistance), based on a pre-award assessment by the agency, taking into account the amount of the proposed award, the likelihood of achieving the specified outcomes, the anticipated return on investment, and other relevant factors;

(2) may be used for the expenses of a neutral evaluation of outcome measures, outcome-measurement methodologies, or achievement of outcomes under a Pay for Success project; and

(3) shall, upon obligation, remain available for disbursement until expended, notwithstanding 31 U.S.C. 1552(a); and, if later deobligated, in whole or in part, such deobligated amounts shall be available until expended for obligation for new Pay for Success projects, except to the extent that this or any other Act specifies another purpose for such deobligated amounts.

(b) The Director of the Office of Management and Budget shall issue guidance to Federal agencies on carrying out Pay for Success projects.

**SEC. 735.** REALIGNMENT OF FEDERAL CIVILIAN REAL PROPERTY.

(a) *SHORT TITLE.* This section may be cited as the "Civilian Property Realignment Act (CPRA)" (Act).

(b) *PURPOSE.* The purposes of this Act are to:

(1) create a fair process that will result in the timely disposal and realignment of Federal civilian real property, including but not limited to unneeded buildings and warehouses;

(2) streamline the current legal framework to accelerate the disposal and realignment of civilian real property in the Federal government's inventory;

(3) facilitate the disposal of those unneeded civilian real properties that are currently subject to legal restrictions that prevent their disposal.

(4) reduce the operating and maintenance costs of Federal civilian real properties through the disposal of unneeded properties and realignment of other real properties by consolidating, co-locating, and reconfiguring space, and through realizing other operational efficiencies; and

(5) create incentives for Federal agencies to achieve greater efficiency in their inventories of civilian real property by enabling agencies to retain and reinvest savings and sale proceeds;

(6) assist Federal agencies in achieving the government's sustainability goals by reducing excess space, inventory, and energy consumption, as well as by leveraging new technologies.

(c) *CIVILIAN REAL PROPERTY.* For the purpose of this section, the terms "Federal civilian real property" and "civilian real property" refer to Federal real property assets, under the custody and control of any executive agency ("executive agency" means an executive department or independent establishment in the executive branch of the Government, and a wholly owned Government corporation), that are used for civilian purposes. This definition shall not be construed as including any of the following types of property:

(1) military installations as defined at Section 2910 of the Defense Base Closure and Realignment Act of 1990;

(2) those properties that are excluded for reasons of national security by the Director of the Office of Management and Budget (OMB); and

(3) those properties that are excepted from the definition of "property" at 40 U.S.C. 102(9).

(d) *BOARD.*

(1) There is established an independent board to be known as the Civilian Property Realignment Board (Board).

(2) The Board shall carry out the duties specified for it in this Act.

(3) The Board shall be composed of seven members appointed by the President. The President shall designate one such individual who shall serve as Chairperson of the Board.

(e) *BOARD MEETINGS.*

(1) Each meeting of the Board, other than meetings in which classified information is to be discussed, shall be open to the public.

(2) All the proceedings, information, and deliberations of the Commission shall be open, upon request, to the Chairman and the ranking minority party member of:

(A) the House Subcommittee on Economic Development, Public Buildings, and Emergency Management of the Committee on Transportation and Infrastructure;

(B) the House Subcommittee on Government Management of the Committee on Oversight and Government Reform;

(C) the Senate Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security of the Committee on Homeland Security and Governmental Affairs; and

(D) the Senate Subcommittee on Transportation and Infrastructure of the Committee on Environmental and Public Works.

(f) *RECOMMENDATIONS.*

(1) The Board shall identify opportunities for the Federal government to significantly reduce its inventory of civilian real property.

(2) The Board will perform an independent analysis of the inventory of Federal civilian real property. To assist in this analysis, the Board will obtain recommendations from Federal agencies, which shall include the identification of:

(A) Federal civilian real properties that can be sold for proceeds and otherwise disposed of, transferred, consolidated, co-located, or reconfigured, so as to reduce the civilian real property inventory and operating costs of the Federal government, and

(B) operational efficiencies that the Federal Government can realize in its operation and maintenance of Federal civilian real properties.

(3) The Board shall perform an independent review of the recommendations provided by Federal agencies.

(4) After performing an independent analysis and receiving the recommendations from the agencies, the Board shall conduct public hearings. All testimony before the Board at a public hearing under this paragraph shall be presented under oath.

(5) The Board shall, at a minimum, biannually transmit to the Director of OMB, and publicly post on a Federal website, a report containing the Board's findings, conclusions, and recommendations for the disposal, transfer, consolidation, co-location, and reconfiguration of Federal civilian real properties and for other operational efficiencies that can be realized in the Federal government's operation and maintenance of such properties. The Board shall transmit its first report within 120 days of the date of enactment of this Act. The Board shall seek to develop consensus recommendations, but if consensus cannot be obtained, the Board may include in its report recommendations that are supported by a majority of the Board.

(6) Upon receipt of the Board's recommendations, the OMB Director shall conduct a review of such recommendations. In conducting this review, the Director shall take into consideration the views and recommendations of the Federal agencies. Within 25 days of receiving the Board's recommendations, the OMB Director shall transmit to the Board and Congress a report that sets forth the Director's approval or disapproval of the Board's recommendations.

(A) If the OMB Director approves of the Board's recommendations, the Director shall also transmit a copy of the recommendations to the Congress.

(B) If the OMB Director disapproves of the Board's recommendations, in whole or in part, the Director shall also transmit to the Board and Congress the reasons for that disapproval. The Board shall then transmit to the Director a revised list of recommendations within 10 days.

(C) If the OMB Director approves all of the revised recommendations of the Board, the Director shall transmit a copy of such revised recommendations to Congress with a report certifying approval of the revisions within 10 days.

(D) If the OMB Director does not transmit an approval of the revisions to Congress within 10 days, the process by which civilian properties may be realigned with respect to that fiscal year shall be terminated.

(g) CONGRESSIONAL CONSIDERATION OF THE RECOMMENDATIONS.

(1) Within 45 calendar days from the date of the OMB Director's transmission to Congress of the approved recommendations, Congress may enact a joint resolution to disapprove the entire recommendation package, with no changes or amendments allowed.

(2) For Congress to pass such a joint resolution disapproving the recommendations, a resolution to disapprove of the recommendations must be introduced within the 10 calendar day period beginning on the date on which the OMB Director transmits the report to the Congress.

(3) If this resolution is introduced in the House of Representatives, it shall be referred to the House Committee on Oversight and Government Reform. If this resolution is introduced in the Senate, it shall be referred to the Senate Committee on Homeland Security and Governmental Affairs. Congress may invite the Board, Federal agencies, and other experts to testify in person.

(4) If the committee to which a resolution is referred has not reported such a resolution (or an identical resolution) by the end of the 20 calendar day period beginning on the date from which the OMB Director transmits the report to the Congress, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved where any member may move to proceed on the resolution.

(5) If Congress fails to pass such a joint resolution within the 45 calendar day period from the date of the OMB Director's transmission to Congress, then the recommendations immediately gain legal force, and agencies shall commence recommended activities.

(6) This subsection is enacted by Congress —

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in this subsection, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(h) AUTHORIZATION OF APPROPRIATIONS. There are authorized to be appropriated, including for the activities of the Board, such funds as are necessary to carry out this section.

(i) FUNDING.

(1) There is hereby established on the books of the Treasury an account to be known as the "Civilian Property Realignment Board—Salaries and Expenses" account.

(A) There shall be deposited into the account such amounts, as are provided in appropriations acts, for those necessary payments for salaries and expenses to accomplish the administrative needs of the Board.

(B) If no amounts are appropriated for the salaries and expenses of the Board for a particular fiscal year, then the OMB Director may support the Board's activities under this section during that fiscal year by the Director approving either or both of the following actions:

(i) a transfer to the Board of amounts from the "Civilian Property Realignment Board—Asset Proceeds and Space Management Fund", and

(ii) a transfer to the Board of not more than \$8,000,000 from unobligated amounts in accounts of Federal land-holding agencies.

(2) There is hereby established on the books of the Treasury an account to be known as the "Civilian Property Realignment Board—Asset Proceeds and Space Management Fund." There shall be deposited into the account:

(A) Such amounts as are provided in appropriations acts, to remain available until expended, for the space consolidation, co-location, and re-configuration of Federal agencies; and

(B) Gross proceeds received from the disposal of any civilian real property pursuant to a recommendation of the Board that gains legal force under subsection (g). The Board, with the consent of the OMB Director, may transfer, from the gross proceeds to a Federal agency, amounts:

(i) to cover the necessary costs associated with—

(I) the disposal of property;

(II) consolidation, co-location, and reconfiguration actions;

(III) other actions taken to otherwise realize operational efficiencies, including but not limited to such actions as environmental restoration; and

(ii) for outplacement assistance to Federal employees who work at a Federal property that is affected by actions taken under this section, and whose employment would be terminated as a result of such disposal, consolidation, or other realignment.

(C) Net proceeds (which are gross proceeds received from the disposal of any civilian real property pursuant to a recommendation of the Board, less the amounts transferred from this account under subparagraph (i)(1)(B)(i) and paragraph (i)(2)(B)), shall be divided between the General Fund of the Treasury, Federal agencies (for the purpose of real property management reinvestment), and the Asset Proceeds and Space Management Fund. On an annual basis, the OMB Director shall determine how the net proceeds shall be distributed, through transfer, amongst the General Fund, Federal agencies, and the Asset Proceeds and Space Management Fund (at a minimum, the General Fund must receive no less than sixty percent of the net proceeds). Such proceeds, as are distributed by the OMB Director to the Asset Proceeds and Space Management Fund, are hereby appropriated and shall remain available until expended, without further appropriation, to carry out the duties specified in (f).

Note.—A full-year 2011 appropriation for this account was not enacted at the time the budget was prepared; therefore, this account is operating under a continuing resolution (P.L. 111–242, as amended). The amounts included for 2011 reflect the annualized level provided by the continuing resolution.

