

SUMMARY OF GENERAL PROVISIONS
General Provisions—Department of Justice

Table 2 displays the Title II General Provisions for the Department of Justice contained in the FY 2017 President's Budget. The FY 2017 language is compared below to the FY 2016 enacted Title II General Provisions (P.L. 114-113). New language proposed for FY 2017 is italicized and underlined, and FY 2016 enacted language proposed for deletion is bracketed.

Table 3 provides explanations related to select Title II General Provisions contained in the Department of Justice Appropriations Act, 2016, which are not continued in FY 2017.

Table 2
 FY 2017 PROPOSED TITLE II GENERAL PROVISIONS

| Section Number | New? Yes/No | Language |
|----------------|----------------|--|
| 201 | No | Sec. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses. |
| 202 | No | Sec 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest: <i>Provided</i> , That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void. |
| 203 | No | Sec. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion. |
| 204 | No | Sec. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: <i>Provided</i> , That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons. |
| 205 | No | Sec. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: <i>Provided</i> , That any transfer pursuant to this section shall be treated as a reprogramming of funds under section [505] <u>504</u> of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section. |
| 206 | No | Sec. [207] <u>206</u> . None of the funds made available under this title may be used by the Federal Bureau of Prisons or the United States Marshals Service for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner. |
| 207 | No | Sec. [208] <u>207</u> . (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, or to rent or purchase |

| Section Number | New? Yes/No | Language |
|----------------|----------------------|---|
| | | <p>audiovisual or electronic media or equipment used primarily for recreational purposes.</p> <p>(b) Subsection (a) does not preclude the rental, maintenance, or purchase of audiovisual or electronic media or equipment for inmate training, religious, or educational programs.</p> |
| 208 | No | <p>Sec. [210] <u>208</u>. The notification thresholds and procedures set forth in section [505] <u>504</u> of this Act shall apply to deviations from the amounts designated for specific activities in this Act and in the explanatory statement described in section 4 (in the matter preceding division A of this consolidated Act), and to any use of deobligated balances of funds provided under this title in previous years.</p> |
| 209 | No | <p>Sec. [211] <u>209</u>. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A-76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.</p> |
| 210 | Amended ¹ | <p>Sec. [213] <u>210</u>. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings "Research, Evaluation and Statistics", "State and Local Law Enforcement Assistance", and "Juvenile Justice Programs"—</p> <p>(1) up to 3 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance; [and]</p> <p>(2) up to [2] <u>3</u> percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs; <u>and</u></p> <p><u>(3) 7 percent of funds made available for grant or reimbursement programs: (1) under the heading "State and Local Law Enforcement Assistance"; and (2) under the headings "Research, Evaluation, and Statistics" and "Juvenile Justice Programs", to be transferred to and merged with funds made available under the heading "State and Local Law Enforcement Assistance", shall be available for tribal criminal justice assistance without regard to the authorizations for such grant or reimbursement programs.</u></p> |
| 211 | No | <p>Sec. [214] <u>211</u>. Upon request by a grantee for whom the Attorney General has determined there is a fiscal hardship, the Attorney General may, with respect to funds appropriated in this or any other Act making appropriations for fiscal</p> |

¹ The FY 2017 request proposes to change the maximum set-aside percentage for OJP research, evaluation, and statistics activities authorized from 2 to 3 percent, and creates a 7 percent set-aside to be available for tribal criminal justice assistance.

| Section Number | New? Yes/No | Language |
|----------------|----------------------|---|
| | | <p>years [2013] <u>2014</u> through [2016] <u>2017</u> for the following programs, waive the following requirements:</p> <p>(1) For the adult and juvenile offender State and local reentry demonstration projects under part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1)), the requirements under section 2976(g)(1) of such part.</p> <p>(2) For State, Tribal, and local reentry courts under part FF of title I of such Act of 1968 (42 U.S.C. 3797w-2(e)(1) and (2)), the requirements under section 2978(e)(1) and (2) of such part.</p> <p>(3) For the prosecution drug treatment alternatives to prison program under part CC of title I of such Act of 1968 (42 U.S.C. 3797q-3), the requirements under section 2904 of such part.</p> <p>(4) For grants to protect inmates and safeguard communities as authorized by section 6 of the Prison Rape Elimination Act of 2003 (42 U.S.C. 15605(c)(3)), the requirements of section 6(c)(3) of such Act.</p> |
| 212 | No | <p>Sec. [215] <u>212</u>. Notwithstanding any other provision of law, section 20109(a) of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13709(a)) shall not apply to amounts made available by this or any other Act.</p> |
| 213 | No | <p>Sec. [216] <u>213</u>. None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note), may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.</p> |
| 214 | Amended ² | <p>Sec. [219] <u>214</u> Discretionary funds that are made available in this Act for the Office of Justice Programs may be used to participate in Performance Partnership Pilots authorized under section 526 of Division H of Public Law 113-76, <u>section 525 of division H of Public Law 114-113</u>, and such authorities as are enacted for Performance Partnership Pilots in an appropriations act for fiscal year [2016] <u>2017</u>.</p> |
| 215 | Yes ³ | <p><u>Sec. 215. Of the unobligated balances available in the Working Capital Fund, \$164,743,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.</u></p> |

² The FY 2017 request includes a citation to the FY 2016 Office of Justice Programs authority relating to Performance Partnership Pilots.

³ The FY 2017 request proposes to move WCF cancellation language to Title II; in the Department of Justice Appropriations Act, 2016, the WCF rescission is found in Section 524.

| Section Number | New? Yes/No | Language |
|----------------|------------------|--|
| 216 | Yes ⁴ | <u>Sec. 216. Of the unobligated balances from prior year appropriations for the Office of Justice Programs, \$20,000,000 are hereby permanently cancelled: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.</u> |
| 217 | Yes ⁵ | <u>Sec. 217. Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98-473 (42 U.S.C. 10601) in excess of \$2,000,000,000 shall not be available for obligation until the following fiscal year: Provided, That, notwithstanding section 1402(d) of such Act of 1984, of the amounts available from the Fund for obligation, the following amounts shall be available without fiscal year limitation to the Director of the Office for Victims of Crime for the following purposes: (1) \$50,000,000 for Vision 21, of which \$25,000,000 is for supplemental victims' services and other victim-related programs and initiatives and \$25,000,000 is for tribal assistance for crime victims; and (2) \$45,000,000 for victim services programs for victims of trafficking, human trafficking task forces, research and evaluation, and related training and technical assistance, including as authorized by section 107(b)(2) of Public Law 106-386, Public Law 109-164, or Public Law 113-4: Provided further, That up to 3 percent of funds available from the Fund for obligation may be made available to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation or statistical purposes related to crime victims and related programs.</u> |
| 218 | Yes ⁶ | <u>Sec. 218. Section 527 of title 28, United States Code, is amended in the third sentence by inserting: (1) " before "the Department" and by inserting "; and (2) Federally recognized tribes for supplies, materials and services related to access to federal law enforcement databases;" after "and services".</u> |
| 219 | Yes ⁷ | <u>Sec. 219 Federal Prison Industries: Pilot Program</u> |

⁴ The FY 2017 request proposes to move OJP cancellation language to Title II; in the Department of Justice Appropriations Act, 2016, the OJP rescission is found in Section 524.

⁵ The FY 2017 request moves the language related to the CVF obligation limit to Title II; in the Department of Justice Appropriations Act, 2016, the CVF language is found in Section 510. It also sets aside specific amounts of funding to support OVC's Vision 21 program (to include support for tribal programs for victims of violence) and victims services programs for victims of trafficking. Also allows a small percentage of available funds to be used for research, evaluation, or statistical purposes related to crime victims and related programs.

⁶ The FY 2017 request provides an additional mechanism for tribes to access critical national crime information databases.

⁷ The pilot program will help FPI increase inmate work opportunities and enhance its mission capability of protecting society and reducing crime by preparing inmates for successful reentry through job training. Section (a) will streamline intradepartmental procurement from FPI, enabling the Department to place more inmates in the FPI program, which reduces recidivism, and generates cost savings for the Department due to fewer inmates returning to BOP custody. Section (b)(1) will permit FPI to work directly with state prison industries and collaborate on work opportunities, thereby entering new markets and positioning the program to increase its sales and inmate workforce. Section (b)(2) will allow FPI to leverage its diverse factory operations and quick response time to meet the needs of disaster relief operations and increase work opportunities. Finally, section (c)(1)(A)-(B) will increase FPI's acquisition efficiency to better serve existing customers and attract new business, thereby increasing inmate job training opportunities.

| Section Number | New? Yes/No | Language |
|----------------|-------------|--|
| | | <p><u>(a) ACQUISITIONS BY DEPARTMENT OF JUSTICE. - The Attorney General may conduct a pilot program in which, notwithstanding any other provision of law, the Department of Justice, or any agency or component thereof, may make a contract award directly to Federal Prison Industries (FPI), without conducting market research or using competitive procedures to acquire goods or services authorized for sale by FPI.</u></p> <p><u>(b) FPI ACTIVITIES WITH STATE ENTITIES. - The Attorney General may authorize FPI to conduct a pilot program in which FPI may, notwithstanding any other provision of law:</u></p> <p><u>(1) enter into agreements with state correctional industries to sell and/or purchase goods and services; and</u></p> <p><u>(2) sell goods and services to state and local government agencies for disaster relief and emergency response purposes.</u></p> <p><u>(c) FPI PROCUREMENT PILOT. -</u></p> <p><u>(1) The Attorney General may authorize FPI to conduct a pilot program in which FPI may, in procuring goods and services necessary for carrying out FPI programs, waive the following provisions of law, regulation, and policy governing procurement:</u></p> <p><u>(A) the competition requirements set forth in chapter 33 of title 41, United States Code; and</u></p> <p><u>(B) any other procurement-related statutory, regulatory, or policy requirement, except those requirements addressing integrity or ethics, protests, contract disputes, or requirements that provide for criminal or civil penalties to the extent any such requirements described in this subparagraph otherwise apply to acquisitions made by FPI.</u></p> <p><u>(2) FPI may not exercise the waivers authorized by paragraph (1) until FPI has issued and posted guidance on a publicly accessible website describing the procedures it will use to acquire goods and services under the pilot. Such procedures shall require FPI to:</u></p> <p><u>(A) provide maximum practicable opportunities for small business concerns in its acquisitions and</u></p> <p><u>(B) follow regulations and procedures established by the Small Business Administration regarding the removal of work from the 8(a) Business Development Program (established by section 8(a) of the Small Business Act).</u></p> <p><u>(3) FPI shall consult with the Administrator for Federal Procurement Policy and the Administrator for the Small Business Administration prior to issuing the guidance described in paragraph (2).</u></p> <p><u>(d) SUNSET. -</u></p> <p><u>(1) The pilot authorities provided in subsections (a) and (b) of this section shall expire 6 years after the date of enactment of this Act.</u></p> |

| Section Number | New? Yes/No | Language |
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| | | <p>(2)</p> <p><u>(A) Except as provided in subparagraph (B), the authority to award contracts for goods and services under the pilot authority described in paragraph (c) shall terminate 3 years after the date FPI issues guidance pursuant to subsection (c)(2).</u></p> <p><u>(B) The Attorney General may extend the pilot for a period not to exceed 3 years after the termination date described in subparagraph (A) if, at least 60 days prior to such termination date, the Attorney General submits a report to Congress providing the following regarding activity under the pilot:</u></p> <p><u>(i) a description of the products and services acquired;</u></p> <p><u>(ii) the number of awards made;</u></p> <p><u>(iii) the total dollar amount of the awards;</u></p> <p><u>(iv) the percentage of dollars identified in subparagraph (iii) awarded to small businesses; and</u></p> <p><u>(v) a representation that the pilot has maintained or increased awards to FPI; and that the results of regular federal customer surveys indicate general satisfaction with FPI's products.</u></p> |
| 220 | Yes ⁸ | <p><u>Sec. 220 In addition to any other transfer authority available to the Department of Justice, for fiscal years 2017 through 2022, unobligated balances available in the Department of Justice Working Capital Fund pursuant to title I of Public Law 102–140 (105 Stat. 784; 28 U.S.C. 527 note) may be transferred to the "Federal Bureau of Investigation, Construction" account, to remain available until expended for the construction of the new Federal Bureau of Investigation headquarters in the National Capital Region: Provided, That the cumulative total amount of funds transferred from the Working Capital Fund from fiscal year 2017 through 2022 pursuant to this section shall not exceed \$315,000,000: Provided further, That transfers pursuant to this section shall not count against any ceiling on the use of unobligated balances transferred to the capital account of the Working Capital Fund in this or any other Act in any such fiscal year.</u></p> |
| 221 | Yes ⁹ | <p><u>Sec. 221 (a) Section 1930(a) of title 28, United States Code, is amended in paragraph (6) by striking "\$6,500 for each quarter in which disbursements total \$1,000,000 or more but less than \$2,000,000;" and all that follows and inserting in lieu thereof: "1 percent of disbursements, or \$250,000, whichever is less, for each quarter in which disbursements total \$1,000,000 or more. The fee shall be payable</u></p> |

⁸ The language would make available up to \$315 million from the Department's Working Capital Fund if needed for the FBI headquarters construction.

⁹ The proposed language amends 28 U.S.C. § 1930(a)(6) to allow the Director of the Executive Office for United States Trustees (Director) to adjust the quarterly fee, within specified limits, imposed in larger cases filed pursuant to chapter 11 of title 11, United States Code, with quarterly disbursements of at least \$1 million. Initially, the fee would be set at the lesser of one percent of disbursements or \$250,000. Beginning in fiscal year 2020, the Director may adjust the fee no more than once a fiscal year, provided that the amount does not exceed the lesser of 1 percent of disbursements or \$250,000. The proposed fee would take effect the first calendar quarter after the date of enactment. There is no effect on outlays.

| Section Number | New? Yes/No | Language |
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| | | <p><u>on the last day of the calendar month following the calendar quarter for which the fee is owed. Beginning in fiscal year 2020, the Director of the Executive Office for United States Trustees may adjust (no more frequently than once per fiscal year) the fee for each quarter in which disbursements total \$1,000,000 or more, not to exceed 1 percent of disbursements, or \$250,000, whichever is less." (b) This section and the amendment made by subsection (a) shall take effect October 1, 2016, or on the first day of the calendar quarter following the enactment of this Act, whichever is later, and shall apply to all cases pending or filed under title 11 of the United States Code on or after the effective date of the amendment.</u></p> |

Table 3
 FY 2016 GENERAL PROVISIONS NOT CONTINUED IN FY 2017 – Title II

| Section Included in the Consolidated Appropriations Act, 2016 (P.L. 114-113) | Explanation for Why General Provision is No Longer Necessary |
|---|---|
| <p>Sec. 206 Funds appropriated by this or any other Act, with respect to any fiscal year, under the heading "Bureau of Alcohol, Tobacco, Firearms and Explosives, Salaries and Expenses" shall be available for retention pay for any employee who would otherwise be subject to a reduction in pay upon termination of the Bureau's Personnel Management Demonstration Project (as transferred to the Attorney General by section 1115 of the Homeland Security Act of 2002, Public Law 107296 (28 U.S.C. 599B)): <i>Provided</i>, That such retention pay shall comply with section 5363 of title 5, United States Code, and related Office of Personnel Management regulations, except as provided in this section: <i>Provided further</i>, That such retention pay shall be paid at the employee's rate of pay immediately prior to the termination of the demonstration project and shall not be subject to the limitation set forth in section 5304(g)(1) of title 5, United States Code, and related regulations.</p> | <p>This language does not need to be repeated, as the provision in the Consolidated Appropriations Act, 2016, is permanent.</p> |
| <p>Sec. 209 None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations of the House of Representatives and the Senate that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.</p> | <p>This language is no longer required due to the recent IT management controls included under the Federal IT Reform Act (FITARA) legislation, which provide for an inclusive governance process that enables effective planning, budgeting and execution for IT investments.</p> |
| <p>Sec. 212 Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of section 545 of title 28, United States Code.</p> | <p>This provision impinges on the ability of the Attorney General to manage Department of Justice resources.</p> |
| <p>Sec. 217 (a) None of the income retained in the Department of Justice Working Capital Fund pursuant to title I of Public Law 102140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation during fiscal year 2016, except up to \$40,000,000 may be obligated for implementation of a unified Department of Justice financial management system.</p> | <p>This provision impinges on the ability of the Attorney General to manage Department of Justice resources.</p> |

| <p align="center">Section Included in the Consolidated Appropriations Act, 2016 (P.L. 114-113)</p> | <p align="center">Explanation for Why General Provision is No Longer Necessary</p> |
|---|---|
| <p>(b) Not to exceed \$30,000,000 of the unobligated balances transferred to the capital account of the Department of Justice Working Capital Fund pursuant to title I of Public Law 102140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation in fiscal year 2016, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.</p> <p>(c) Not to exceed \$10,000,000 of the excess unobligated balances available under section 524(c)(8)(E) of title 28, United States Code, shall be available for obligation during fiscal year 2016, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.</p> <p>(d) Subsections (a) through (c) of this section shall sunset on September 30, 2016.</p> | |
| <p>Sec. 218 (a) Of the funds appropriated by this Act under each of the headings "General Administration Salaries and Expenses", "United States Marshals Service Salaries and Expenses", "Federal Bureau of Investigation Salaries and Expenses", "Drug Enforcement Administration Salaries and Expenses", and "Bureau of Alcohol, Tobacco, Firearms and Explosives Salaries and Expenses", \$20,000,000 shall not be available for obligation until the Attorney General demonstrates to the Committees on Appropriations of the House of Representatives and the Senate that all recommendations included in the Office of Inspector General of the Department of Justice, Evaluation and Inspections Division Report 1504 entitled "The Handling of Sexual Harassment and Misconduct Allegations by the Department's Law Enforcement Components", dated March, 2015, have been implemented or are in the process of being implemented. (b) The Inspector General of the Department of Justice shall report to the Committees on Appropriations of the House of Representatives and the Senate not later than 90 days after the date of enactment of this Act on the status of the Department's implementation of recommendations included in the report specified in subsection (a).</p> | <p>This is one-time language that will be addressed during FY 2016.</p> |

FY 2017 TITLE V GENERAL PROVISIONS

U.S. Department of Justice Comments

Table 4 displays substantive changes to Title V general provisions for the Department of Justice, using the FY 2016 enacted budget (Title V, P.L. 114-113) as the starting point. An explanation is also provided. New language is *italicized and underlined*, and language proposed for deletion is [bracketed].

Table 4

FY 2017 PROPOSED TITLE V GENERAL PROVISIONS

| Section Number | LANGUAGE CHANGES |
|-----------------------|---|
| 501 | <p>[No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.]</p> <p>EXPLANATION: This provision limits agency discretion in using funds.</p> |
| 505 | <p>None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year [2016] <u>2017</u>, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2) eliminates a program, project or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects or activities in excess of [\$500,000] <u>\$1,000,000</u> or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds [by agencies (excluding agencies of the Department of Justice) funded by this Act and 45 days in advance of such reprogramming of funds by agencies of the Department of Justice funded by this Act].</p> <p>EXPLANATION: The change increases the reprogramming threshold and aligns DOJ's notification window with other CJS agencies.</p> |

| Section Number | LANGUAGE CHANGES |
|----------------|---|
| 507 | <p>[(a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.</p> <p>(b) The report described in subsection (a) shall be submitted within 30 days of the end of each quarter.</p> <p>(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.]</p> <p>EXPLANATION: The provision requires the Department of Justice to provide a quarterly accounting of cumulative unobligated balances. This information is provided at the request of the Committee, and does not need to be in statute.</p> |
| 510 | <p>[Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98–473 (42 U.S.C. 10601) in any fiscal year in excess of \$3,042,000,000 shall not be available for obligation until the following fiscal year: <i>Provided</i>, That notwithstanding section 1402(d) of such Act, of the amounts available from the Fund for obligation \$10,000,000 shall remain available until expended to the Department of Justice Office of Inspector General for oversight and auditing purposes.]</p> <p>EXPLANATION: This provision is updated and moved to Title II, Section 217, in the FY 2017 budget.</p> |
| 512 | <p>[None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.]</p> <p>EXPLANATION: This provision is not necessary to restrict transfers- any transfer</p> |

| Section Number | LANGUAGE CHANGES |
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| | requires specific legislative authority. |
| 513 | <p>[Any funds provided in this Act used to implement E-Government Initiatives shall be subject to the procedures set forth in section 505 of this Act.]</p> <p>EXPLANATION: This provision limits agency discretion in using funds.</p> |
| 514 | <p>[(a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.</p> <p>(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—</p> <p>(1) any matter described in section 552(b) of title 5, United States Code; and</p> <p>(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.</p> <p>(c) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.</p> <p>(d) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.]</p> |

| Section Number | LANGUAGE CHANGES |
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| | <p>EXPLANATION: This information will be provided as requested and does not need to be in statute.</p> |
| <p>515</p> | <p>[(a) None of the funds appropriated or otherwise made available under this Act may be used by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire a high-impact or moderate-impact information system, as defined for security categorization in the National Institute of Standards and Technology's (NIST) Federal Information Processing Standard Publication 199, "Standards for Security Categorization of Federal Information and Information Systems" unless the agency has—</p> <p>(1) reviewed the supply chain risk for the information systems against criteria developed by NIST to inform acquisition decisions for high-impact and moderate-impact information systems within the Federal Government;</p> <p>(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the Federal Bureau of Investigation and other appropriate agencies; and</p> <p>(3) in consultation with the Federal Bureau of Investigation or other appropriate Federal entity, conducted an assessment of any risk of cyber-espionage or sabotage associated with the acquisition of such system, including any risk associated with such system being produced, manufactured, or assembled by one or more entities identified by the United States Government as posing a cyber threat, including but not limited to, those that may be owned, directed, or subsidized by the People's Republic of China.</p> <p>(b) None of the funds appropriated or otherwise made available under this Act may be used to acquire a high-impact or moderate-impact information system reviewed and assessed under subsection (a) unless the head of the assessing entity described in subsection (a) has—</p> <p>(1) developed, in consultation with NIST and supply chain risk management experts, a mitigation strategy for any identified risks;</p> <p>(2) determined that the acquisition of such system is in the national interest of the United States; and</p> <p>(3) reported that determination to the Committees on Appropriations of the House of Representatives and the Senate.</p> <p>(c) During fiscal year 2016 – (1) the FBI shall develop best practices for supply chain risk management; and (2) the Departments of Commerce and Justice, the National</p> |

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| | <p>Aeronautics and Space Administration, and the National Science Foundation shall incorporate such practices into their information technology procurement practices to the maximum extent practicable.]</p> <p>EXPLANATION: This provision limits agency discretion in using funds.</p> |
| 518 | <p>[Notwithstanding any other provision of law, no department, agency, or instrumentality of the United States receiving appropriated funds under this Act or any other Act shall obligate or expend in any way such funds to pay administrative expenses or the compensation of any officer or employee of the United States to deny any application submitted pursuant to 22 U.S.C. 2778(b)(1)(B) and qualified pursuant to 27 CFR section 478.112 or .113, for a permit to import United States origin “curios or relics” firearms, parts, or ammunition.]</p> <p>EXPLANATION: This provision has been included in the CJS language since 2005 and prohibits ATF from denying import applications seeking to import US origin curio or relic firearms. This provision limits the President’s discretion in administering foreign policy and should be deleted.</p> |
| 521 | <p>If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than [\$75,000,000] <u>\$250,000,000</u> has reasonable cause to believe that the total program cost has increased by 10 percent or more, the program manager shall immediately inform the respective Secretary, Administrator, or Director. The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.</p> <p>EXPLANATION: The change increases the notification threshold.</p> |

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| 524 | <p data-bbox="805 289 979 321" style="text-align: center;">[(rescissions)]</p> <p data-bbox="334 357 1312 464">(a) Of the unobligated balances available to the Department of Commerce’s Economic Development Administration, Economic Development Assistance Programs, \$10,000,000 are rescinded, not later than September 30, 2016.</p> <p data-bbox="334 499 1417 606">(b) Of the unobligated balances available to the Department of Justice, the following funds are hereby rescinded, not later than September 30, 2016, from the following accounts in the specified amounts—</p> <ol data-bbox="334 642 1425 1255" style="list-style-type: none"> <li data-bbox="334 642 865 674">(1) “Working Capital Fund”, \$69,000,000; <li data-bbox="334 705 1382 737">(2) “United States Marshals Service, Federal Prisoner Detention”, \$195,974,000; <li data-bbox="334 768 1365 875">(3) “Federal Bureau of Investigation”, \$80,767,000 from fees collected to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs; <li data-bbox="334 907 1425 982">(4) “State and Local Law Enforcement Activities, Office on Violence Against Women, Violence Against Women Prevention and Prosecution Programs”, \$15,000,000; <li data-bbox="334 1014 1328 1089">(5) “State and Local Law Enforcement Activities, Office of Justice Programs”, \$40,000,000; <li data-bbox="334 1121 1344 1194">(6) “State and Local Law Enforcement Activities, Community Oriented Policing Services”, \$10,000,000; and <li data-bbox="334 1226 1105 1255">(7) “Legal Activities, Assets Forfeiture Fund”, \$458,000,000. <p data-bbox="334 1289 1433 1436">(c) The Departments of Commerce and Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2016, specifying the amount of each rescission made pursuant to subsections (a) and (b).]</p> <p data-bbox="334 1535 1385 1642">EXPLANATION: This provision identifies one-time rescissions in FY 2016. DOJ rescission proposals for FY 2017 are included under the appropriate components’ appropriations language or in Title II.</p> |
| 526 | <p data-bbox="334 1703 1442 1892">[None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency, who are stationed in the United States, at any single conference occurring outside the United States unless such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal employees in</p> |

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| | <p>attendance are law enforcement personnel stationed outside the United States.]</p> <p>EXPLANATION: This provision limits agency discretion in using funds and is unnecessary in light of our efforts to limit conference attendance.</p> |
| <p>527</p> | <p>[None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—</p> <p>(1) is not a United States citizen or a member of the Armed Forces of the United States; and</p> <p>(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.]</p> <p>EXPLANATION: This provision limits the President’s discretion regarding the disposition of detainees at Guantanamo Bay Naval Base.</p> |
| <p>528</p> | <p>[(a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.</p> <p>(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.</p> <p>(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—</p> <p>(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and</p> <p>(2) is—</p> <p>(A) in the custody or under the effective control of the Department of Defense; or</p> <p>(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.]</p> |

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| | <p>EXPLANATION: This provision limits the President’s discretion regarding the construction, acquisition, or modification of any facility for the detention or imprisonment of individuals located at Guantanamo Bay.</p> |
| 530 | <p>[The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:</p> <p>(1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.</p> <p>(2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.</p> <p>(3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.</p> <p>(4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.]</p> <p>EXPLANATION: This provision is administratively burdensome.</p> |
| 532 | <p>[None of the funds made available by this Act may be used to pay the salaries or expenses of personnel to deny, or fail to act on, an application for the importation of any model of shotgun if—</p> <p>(1) all other requirements of law with respect to the proposed importation are met; and</p> <p>(2) no application for the importation of such model of shotgun, in the same configuration, had been denied by the Attorney General prior to January 1, 2011, on the basis that the shotgun was not particularly suitable for or readily adaptable to sporting purposes.]</p> <p>EXPLANATION: This provision limits agency discretion in using funds and in the performance of its regulatory oversight duties.</p> |
| 534 | <p>The Departments of Commerce and Justice, the National Aeronautics and Space Administration, and the National Science Foundation, the Commission on Civil Rights, the Equal Employment Opportunity Commission, the International Trade Commission,</p> |

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| | <p>the Legal Services Corporation, the Marine Mammal Commission, the Offices of Science and Technology Policy and the United States Trade Representative, and the State Justice Institute shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate within [45] <u>60</u> days after the date of enactment of this Act.</p> <p>EXPLANATION: No substantive change is requested, but additional time is needed to comply with this provision.</p> |
| 537 | <p>[The head of any executive branch department, agency, board, commission, or office funded by this Act shall require that all contracts within their purview that provide award fees link such fees to successful acquisition outcomes, specifying the terms of cost, schedule, and performance.]</p> <p>EXPLANATION: The Federal Acquisition Regulation (FAR) already requires new contracts to include limitations stating that agencies cannot pay an award fee for performance that is less than satisfactory.</p> |
| 538 | <p>[Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract.]</p> <p>EXPLANATION: The Federal Acquisition Regulation (FAR) already requires new contracts to include limitations stating that agencies cannot pay an award fee for performance that is less than satisfactory.</p> |
| 542 | <p>[None of the funds made available in this Act to the Department of Justice may be used, with respect to the States of Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, and Wisconsin, or with respect to the District of Columbia, Guam, or Puerto Rico, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.]</p> |

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| | <p>EXPLANATION: The Department has not sought to prevent states from implementing medical marijuana laws, but has instead made clear that states must create effective and robust regulatory systems sufficient to avoid harming the strong and valid federal interests outlined in the Department’s August 2013 guidance memo (e.g., cartel involvement, violence, targeting minors). This measured approach is designed to encourage states to bring appropriate controls and regulation to marijuana, while not directly intervening except if necessary. By preventing the Department from maintaining the possibility of federal intervention in a state system that fails to implement robust controls to protect the interests of other states and the nation, this provision undermines state efforts to establish effective and appropriate regulation.</p> <p>Moreover, similar language in the FY 2015 and FY 2016 Consolidated Appropriations Acts is being cited by individuals and entities (not states) as grounds for dismissal of civil and criminal enforcement actions against them, or even in some cases for overturning final judgments issued several years ago, even where the defendant’s conduct clearly implicates federal interests under the factors outlined in the Department’s August 2013 guidance memo. The proposed provision raises the prospect of similar attempts by other defendants, potentially resulting in rulings that force the Department to prove that the individual or entity failed to comply with state law before a conviction could be obtained, thereby undermining the ability of the Department to protect public safety consistent with applicable federal law.</p> |
| 543 | <p>[None of the funds made available by this Act may be used in contravention of section 7606 (“Legitimacy of Industrial Hemp Research”) of the Agricultural Act of 2014 (Public Law 113–79) by the Department of Justice or the Drug Enforcement Administration.]</p> <p>EXPLANATION: The Department (including DEA) does not and will not act in contravention of Section 7606 of the Agricultural Act of 2014, Public Law 113-79.</p> |
| 544 | <p><u>EVALUATION FUNDING FLEXIBILITY PILOT.</u></p> <p><u>(a) This section applies to the statistical-related grant and contracting activities of the—</u></p> <p><u>(1) Census Bureau in the Department of Commerce; and</u></p> <p><u>(2) National Institute of Justice and Bureau of Justice Statistics in the Department of</u></p> |

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(b) Amounts made available under this Act which are either appropriated, allocated, advanced on a reimbursable basis, or transferred to the functions and organizations identified in subsection (a) for research, evaluation, or statistical purposes shall be available for obligation through September 30, 2021 notwithstanding any cancellation of funds included in this Act. When an office referenced in subsection (a) receives research and evaluation funding from multiple appropriations, such offices may use a single Treasury account for such activities, with funding advanced on a reimbursable basis.

(c) Amounts referenced in subsection (b) that are unexpended at the time of completion of a contract, grant, or cooperative agreement may be deobligated and shall immediately become available and may be reobligated in that fiscal year or the subsequent fiscal year for the research, evaluation, or statistical purposes for which the amounts are made available to that account.

EXPLANATION: Establishes an evaluation funding flexibility pilot. High-quality evaluations and statistical surveys are essential to building evidence about what works. They are also inherently complicated, dynamic activities; often they span many years, and there is uncertainty about the timing and amount of work required to complete specific activities--such as the time and work needed to recruit study participants. In some cases the study design may need to be altered part-way through the project to better respond to the facts on the ground. The currently available procurement vehicles lack the flexibility needed to match the dynamic nature of these projects. Additionally, some studies provide high quality information in which many federal agencies are interested, and it is frequently desirable to cosponsor these activities in order to efficiently extend the utility of the data collected. Changes in timing and content can make co-sponsorship difficult, since funds are often time-limited.

In order to streamline these procurement processes, improve efficiency, and make better use of existing evaluation resources, the Administration proposes to provide the National Institute of Justice and the Bureau of Justice Statistics and other agencies with expanded flexibilities to spend funds over a longer period of time. This request is a part of a proposed pilot program that also includes HHS, Labor, the Census Bureau, and HUD. These flexibilities will allow agencies to better target evaluation and statistical funds to reflect changing circumstances on the ground.