

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 2020 President’s Budget. The FY 2020 language is compared below to the FY 2019 President’s Budget. New language proposed for FY 2020 is italicized and underlined, and FY 2019 language proposed for deletion is bracketed.

Table 3 provides explanations related to select Title II General Provisions which are not continued in FY 2020.

Table 2
 FY 2020 PROPOSED TITLE II GENERAL PROVISIONS

Section Number	New? Yes/No	Language
201	No	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	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	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	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	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 504 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.
206	No	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	(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 audiovisual or electronic media or equipment used primarily for recreational purposes.

Section Number	New? Yes/No	Language
		(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.
208	No	The notification thresholds and procedures set forth in section 504 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and in the explanatory statement that accompanies this Act, and to any use of deobligated balances of funds provided under this title in previous years.
209	No	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.
210	Amended ¹	<p>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" or otherwise appropriated or transferred under this Act for administration by the Office of Justice Programs—</p> <p>(1) up to 3 percent of funds made available for grant or reimbursement programs may be used by the Office of Justice Programs to provide training and technical assistance;</p> <p>(2) up to 3 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; and</p> <p>(3) up to 7 percent of funds made available for grant or reimbursement programs [under such headings, except the amounts designated under paragraph (21), under the heading "State and Local Law Enforcement Assistance",] may be transferred to and merged with funds under the heading "State and Local Law Enforcement Assistance", for assistance to Indian tribes, without regard to the authorizations for such grant or reimbursement programs.</p>
211	Amended ²	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 years

¹ Updates language to be consistent among (1), (2) and (3).

² Deletes language that is no longer required after passage of the First Step Act of 2018 (P.L. 115-391).

Section Number	New? Yes/No	Language
		<p>[2016]2017 through [2019]2020 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 (34 U.S.C. 10631(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 (34 U.S.C. 10633(e)(1) and (2)), the requirements under section 2978(e)(1) and (2) of such part.]</p> <p>[(3) For the mental health and drug treatment alternatives to incarceration programs under part CC of title I of such Act of 1968 (34 U.S.C. 10581(f)), the requirements under section 2901(f) of such part.]</p> <p>(4)](2) For grants to protect inmates and safeguard communities as authorized by section 6 of the Prison Rape Elimination Act of 2003 (34 U.S.C. 30305(c)(3)), the requirements of section 6(c)(3) of such Act.</p>
212	No	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 (34 U.S.C. 12109(a)) shall not apply to amounts made available by this or any other Act.
213	No	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.
214	Amended ³	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 <u>section 525 of division H of Public Law 115–141</u> , section 525 of division H of Public Law 115–31, section 525 of division H of Public Law 114–113, section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, and such authorities as are enacted for Performance Partnership Pilots in an appropriations Act for fiscal years [2018 and] 2019 <u>and 2020</u> .
215	No	Of the unobligated balances available from prior year appropriations in the Office of Justice Programs, \$85,000,000 are hereby permanently cancelled: <i>Provided</i> , 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.

³ Updates fiscal years and citations.

Section Number	New? Yes/No	Language
216	No	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".
217	No	<p>Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended as follows—</p> <p>(a) In subsection (a), by replacing "any government entity or official" with "any government law enforcement entity or official" and by striking all that follows after "from" and inserting the following new paragraphs—</p> <p>"(1) sending to, or receiving from, the Department of Homeland Security information, including information related to the nationality, citizenship, immigration status, removability, scheduled release date and time, home address, work address, or contact information, of any individual in custody or suspected of a violation of law, provided that such information is relevant to the enforcement of the immigration laws as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)); or</p> <p>"(2) complying with any lawful request made by the Department of Homeland Security pursuant to its authorities under section 236, 241, or 287 of the Immigration and Nationality Act (8 U.S.C. 1226, 1231, 1357), including any request to maintain custody of the alien for a period not to exceed 48 hours in order to permit assumption of custody by the Department pursuant to a detainer for, or provide reasonable notification prior to the release of, any individual."</p> <p>(b) In subsection (b)—</p> <p>(1) In the introductory clause, by inserting "law enforcement" before "entity" and by replacing "regarding the immigration status, lawful or unlawful, of any individual", with "information, including information related to the nationality, citizenship, immigration status, removability, scheduled release date and time, home address, work address, or contact information, of any individual currently or previously in custody or currently or previously suspected of a violation of law, provided that such information is relevant to the enforcement of the immigration laws as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))";</p> <p>(2) In paragraph (1), by replacing "the U.S. Immigration and Naturalization Service" with "Department of Homeland Security"; and</p> <p>(3) In paragraph (2), by inserting ", collecting, inquiring into, or verifying" after "Maintaining".</p> <p>(c) In subsection (c)—</p> <p>(1) By replacing "the Immigration and Naturalization Service" with "the Department of Homeland Security"; and</p>

Section Number	New? Yes/No	Language
		<p>(2) By replacing "the citizenship or immigration status" with "the nationality, citizenship, or immigration status".</p> <p>(d) After subsection (c), by inserting the following—</p> <p>"(d) The Secretary of Homeland Security or the Attorney General may condition a grant or cooperative agreement awarded by the Department of Homeland Security or the Department of Justice to a State or political subdivision of a state, for a purpose related to immigration, national security, law enforcement, or preventing, preparing for, protecting against or responding to acts of terrorism, on a requirement that the recipient of the grant or cooperative agreement agrees that it will—</p> <p>"(1) Send to the Department of Homeland Security information requested by the Secretary of Homeland Security, or the Secretary's designee, including information related to the nationality, citizenship, immigration status, removability, scheduled release date and time, home address, work address, or contact information, of any individual in custody or suspected of a violation of law, provided that such information is relevant to the enforcement of the immigration laws as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));</p> <p>"(2) Exchange, at the request of the Secretary of Homeland Security, or the Secretary's designee, information, including information related to the nationality, citizenship, immigration status, removability, scheduled release date and time, home address, work address, or contact information, of any individual in custody or suspected of a violation of law, with any other Federal, State, or local government law enforcement entity, provided that such information is relevant to the enforcement of the immigration laws as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));</p> <p>"(3) Not prohibit or restrict any entity, official, or employee from collecting, inquiring into, or verifying information, including information related to the nationality, citizenship, immigration status, removability, scheduled release date and time, home address, work address, or contact information, of any individual in custody or suspected of a violation of law,</p>

Section Number	New? Yes/No	Language
		<p>provided that such information is relevant to the enforcement of the immigration laws as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), and will maintain any such information it may collect, during the period of performance of a grant or cooperative agreement conditioned under this subsection; and</p> <p>"(4) Comply with any lawful request made by the Department of Homeland Security pursuant to its authorities under section 236, 241, or 287 of the Immigration and Nationality Act (8 U.S.C. 1226, 1231, 1357), including any request to maintain custody of the alien for a period not to exceed 48 hours in order to permit assumption of custody by the Department pursuant to a detainer for, or provide reasonable notification prior to the release of, any individual."</p> <p>(e) In the section heading, by replacing "Immigration and Naturalization Service" with "Department of Homeland Security".</p> <p>(f) The Secretary of Homeland Security or the Attorney General may require States and political subdivisions of States that apply for Federal grants or cooperative agreements from the Department of Homeland Security or the Department of Justice to include a certification that they will comply with subsection (d) in their applications for award. The Secretary or the Attorney General may prescribe the form of the certification for the Federal grants and cooperative agreements awarded by their respective Departments.</p> <p>(g) The Secretary of Homeland Security and the Attorney General may enforce the provisions of this Section through any lawful means, including by seeking injunctive or other relief from a court of competent jurisdiction.</p> <p>(h) SEVERABILITY.—The provisions of this section are severable. If any provision of this section, or any application thereof, is found unconstitutional, that finding shall not affect any provision or application of this section not so adjudicated.</p>
218	No	<p>Section 1825 of title 28, United States Code, shall be amended:</p> <p>(a) in subsections (a) and (b) by striking "United States marshal for the district" each place it appears and inserting "Attorney General"; and</p> <p>(b) in subsection (c) by striking "United States marshal" and inserting "Attorney General".</p>
219	No	<p>Section 151 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246 (5 U.S.C. 5928 note)), is amended by:</p>

Section Number	New? Yes/No	Language
		(a) striking "or" after "Drug Enforcement Administration" and inserting ", the"; and (b) inserting after "Federal Bureau of Investigation": ", or the United States Marshals Service".
220	Amended ⁴	Of the unobligated balances available in the Working Capital Fund, [\$69,768,000] \$100,000,000 are hereby permanently cancelled: <i>Provided</i> , 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.
221	Yes ⁵	<u><i>The Department of Justice Appropriations Act, 1997 (Title I, Div. A, Public Law 104–208, 110 Stat. 3009–11) is amended under the heading "Federal Prison System, Salaries and Expenses" by striking the eighth proviso (pertaining to the budget and functions of the National Institute of Corrections).</i></u>

⁴ The Department of Justice (DOJ) is requesting to change the amount of unobligated balances permanently cancelled.

⁵ The request proposes to provide funding to the Office of Justice Programs for functions of the National Institution of Corrections (NIC). Therefore, the Department requests this general provision to strike a hereafter proviso from a prior appropriations act that required funding and functions of NIC to be in the Federal Prison System.

Table 3
GENERAL PROVISIONS NOT CONTINUED IN FY 2020 – Title II

Section Included in the Consolidated Appropriations Act, 2017 (P.L. 115-31)	Explanation for Why General Provision is No Longer Necessary
Nothing to report.	

FY 2020 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 2019 President’s Budget as the starting point. New language is *italicized and underlined*, and language proposed for deletion is [bracketed].

Table 4

FY 2020 PROPOSED TITLE V GENERAL PROVISIONS

Section Number	LANGUAGE CHANGES
504	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 [2019] <u>2020</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 \$1,000,000 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 Provisions For General Counsel Review and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.
513	Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C.3094) during fiscal year [2019] <u>2020</u> until the enactment of the Intelligence Authorization Act for fiscal year [2019] <u>2020</u> .