

SUMMARY OF GENERAL PROVISIONS  
General Provisions—Department of Justice

Table 1 displays the Title II General Provisions for the Department of Justice contained in the FY 2012 President’s Budget. *Note.—A full-year 2011 appropriation was not enacted at the time the 2012 budget was transmitted; therefore, the Department of Justice is operating under a continuing resolution (P.L. 111-242, as amended). Therefore, all appropriations language proposed in the 2012 President’s Budget is reflected as new.* The FY 2012 language is compared below to the FY 2010 Title II General Provisions (P.L. 111-117), which is the most recent enacted full-year appropriation for the Department of Justice.

Table 2 provides explanations related to select Title II General Provisions contained in the FY 2010 Consolidated Appropriations Act that are not continued in FY 2012.

**Table 1**  
FY 2012 PROPOSED TITLE II GENERAL PROVISIONS

Section Number	New Yes/No	Description
201	No	<i>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.</i>
202	No	<i>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: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.</i>
203	No	<i>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.</i>
204	No	<i>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: Provided, 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.</i>
205	No	<i>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: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.</i>
206	No	<i>The Attorney General is authorized to extend through September 30, 2013, the Personnel Management Demonstration Project transferred to the Attorney General pursuant to section 1115 of the Homeland Security Act of 2002, Public Law 107–296 (28 U.S.C. 599B) without limitation on the number of employees or the positions covered.</i>
207	No	<i>Notwithstanding any other provision of law, Public Law 102–395 section 102(b) shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply with respect to any undercover investigative operation by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.</i>
208	No	<i>None of the funds made available to the Department of Justice in this Act may be used 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</i>

		<i>certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.</i>
209	No	<i>(a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, to rent or purchase videocassettes, videocassette recorders, or other audiovisual or electronic equipment used primarily for recreational purposes. (b) The preceding sentence does not preclude the renting, maintenance, or purchase of audiovisual or electronic equipment for inmate training, religious, or educational programs.</i>
210	No	<i>The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and accompanying statement, and to any use of deobligated balances of funds provided under this title in previous years.</i>
211	No	<i>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.</i>
212	No	<i>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 or any other act under the headings for "Justice Assistance", "State and Local Law Enforcement Assistance", and "Juvenile Justice Programs": (1) 3 percent of funds made available for grant or reimbursement programs may be used to provide training and technical assistance; (2) 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 of such amounts, \$1,300,000 shall be transferred to the Bureau of Prisons for Federal inmate research and evaluation purposes; and (3) 7 percent of funds made available for grant or reimbursement programs: (1) under the heading "State and Local Law Enforcement Assistance"; or (2) under the headings "Justice Assistance" 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.</i>
213	No	<i>The Attorney General may, upon request by a grantee and based upon a determination of fiscal hardship, waive the requirements of sections 2976(g)(1), 2978(e)(1) and (2), and 2904 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1), 3797w- 2(e)(1) and (2), 3797q-3) with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2010 through 2012 for Adult and Juvenile Offender State and Local Reentry Demonstration Projects and State, Tribal, and Local Reentry Courts, and Prosecution Drug Treatment Alternatives to Prison Program authorized under parts CC and FF of title I of such Act of 1968.</i>
214	No	<i>For purposes of the allocation under section 505(d)(1) of title I of Public Law 90-351 (42 U.S.C. 3755(d)(1)) for fiscal year 2011, the Attorney General is authorized to waive the application of section 505(e)(3) (42 U.S.C. 3755(e)(3)) to any non-reporting unit of local government that— (1) was eligible to receive an allocation under section 505(d)(2)(B) (42 U.S.C. 3755(d)(2)(B)); (2) agrees to begin to report timely data on part I violent crimes of the Uniform Crime Reports to the Federal Bureau of Investigation by not later than the end of such fiscal year; and (3) does so begin in accordance with such agreement.</i>
215	Yes	<i>That section 530A of title 28, United States Code, is hereby amended by replacing "appropriated" with "used from appropriations", and by inserting "(2)," before "(3)".</i>  <b>Travel Expenses for Department of Justice Employees Serving Abroad</b>  Section 901 of the Foreign Service Act (FSA) permits the State Department to pay travel and related expenses of Foreign Service employees serving abroad. In 1988, section 530A was added to title 28, United States Code, authorizing funds to be appropriated to the Department of Justice for the payment

		of certain travel expenses permitted in section 901 of the FSA to Department employees serving abroad. (Public Law 100-690, Title VI, § 6281(a)). The list of travel expenses allowed in section 530A did not include “authorized or required home leave” as allowed by FSA § 901(2); therefore, the amendment adds paragraph “(2)” to the section 530A list of allowable travel expenses. Further, section 530A merely authorized appropriations for the purpose of such travel expenses, but to the best of our knowledge the Department has not received appropriations for such travel expenses. Therefore, this amendment also allows for <i>any</i> Department funds to be used for such travel expenses. This proposal merely makes current funding available for the travel expenses of Department employees serving abroad, but does not add any additional budget authority or impact scoring.
216	No <sup>1</sup>	<i>Of the unobligated balances from prior year appropriations for the Office of Justice Programs, \$42,600,000 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.</i>
217	No <sup>2</sup>	<i>Notwithstanding any other provision of law, amounts deposited or available in the Fund established under section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601) in any fiscal year in excess of \$850,000,000 shall not be available for obligation in this fiscal year: Provided, That, of amounts available in the Fund, notwithstanding section 1402(d) (42 U.S.C. 10601(d)), \$100,000,000 shall be available to the Director of the Office for Victims of Crime, for discretionary grants for temporary shelter, transitional housing, and other assistance for victims of violence against women; and \$35,000,000 shall be available for sexual assault services: Provided further, That, of these amounts, \$15,000,000 shall be available for transitional housing and other assistance for victims of violence against women in Indian Country.</i>
218	Yes	<i>Of amounts made available under the heading Office of Justice Programs, not to exceed \$5,000,000 may be transferred to the Department of Housing and Urban Development to support a Neighborhood Revitalization Grant program.</i>
219	No <sup>3</sup>	<i>None of the funds made available under this title shall be obligated or expended for any information technology project having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify that the information technology program has appropriate program management controls and contractor oversight mechanisms in place.</i>
220	Yes	<i>Of the unobligated balances available under the heading "Working Capital Fund", \$40,000,000 are hereby permanently cancelled.</i>

<sup>1</sup> The FY 2012 budget proposes to move OJP’s rescission language to Title II; in the FY 2010 Consolidated Appropriations Act, the OJP rescission is found in Title V, Section 529.

<sup>2</sup> The FY 2012 budget proposes to move the Crime Victims Fund limitation language to Title II; in the FY 2010 Consolidated Appropriations Act, this language is found in Title V, Section 512.

<sup>3</sup> Similar language was proposed in the FY 2010 Consolidated Appropriations Act (Title II, Section 210).

**Table 2**  
 FY 2010 TITLE II GENERAL PROVISIONS NOT CONTINUED IN FY 2012

Section Number Included in the FY 2010 Consolidated Appropriations Act (P.L. 111-117)	Explanation for Why General Provision is No Longer Necessary
213	This provision impinges on the ability of the Attorney General to manage Department of Justice resources, and should be deleted.
214	This provision prohibits funds from this or any other Act to be obligated for the initiation of a future phase of the FBI Sentinel program until existing phases under contract for development or fielding have completed a majority of the work. This provision is not needed in FY 2012.
217	This provision amended a statute; since the amendment has been made the provision does not need to be repeated.
218	Requires the Attorney General to submit quarterly reports to the DOJ Inspector General relating to the costs and contracting procedures for each conference held by the Department in FY 2010 for which the cost to the government was over \$20,000. This reporting requirement is burdensome and should be deleted, however, if it is retained, the dollar threshold should be increased.
219	Amended law related to FBI language proficiency in FY 2010 appropriation act. This provision is not needed again in FY 2012.

**General Provisions—Title V**

Table 3 displays the Title V General Provisions applicable and relevant to the Department of Justice contained in the FY 2012 President’s Budget. *Note.—A full-year 2011 appropriation was not enacted at the time the 2012 budget was transmitted; therefore, the Department of Justice is operating under a continuing resolution (P.L. 111-242, as amended).* **Therefore, all appropriations language proposed in the 2012 President’s Budget is reflected as new.** The FY 2012 language is compared below to the FY 2010 Title V General Provisions (P.L. 111-117), which is the most recent enacted full-year appropriation for the Department of Justice.

Table 4 provides explanations related to select Justice-related items in the 2010 Title V General Provisions that are not continued in FY 2012.

**Table 3**  
FY 2012 PROPOSED GENERAL PROVISIONS—Title V

Section Number	New Yes/No	Description
501	No	<i>No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.</i>
502	No	<i>No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.</i>
503	No	<i>The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.</i>
504	No	<i>If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.</i>
505(a) and 505(b)	No	<p><i>(a) 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 2012, 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 the reprogramming of funds that—</i></p> <ul style="list-style-type: none"> <li><i>(1) creates or initiates a new program, project or activity, unless the House and Senate Committees on Appropriation are notified 15 days in advance of such reprogramming of funds;</i></li> <li><i>(2) eliminates a program, project or activity, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;</i></li> <li><i>(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted , unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;</i></li> <li><i>(4) relocates an office or employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;</i></li> <li><i>(5) reorganizes offices, programs or activities, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;</i></li> <li><i>(6) contracts out or privatizes any functions or activities presently performed by Federal employees, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds;</i></li> <li><i>(7) augments funds for 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 , unless the House and Senate Committees on Appropriations</i></li> </ul>

		<p>are notified 15 days in advance of such reprogramming of funds; or</p> <p>(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, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.</p> <p>(b) 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 2011, 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, unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.</p>
506	No	<p>If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.</p>
507	No	<p>Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.</p>
508	No	<p>None of the funds provided by this Act shall be available to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.</p>
509	No	<p>None of the funds appropriated pursuant to this Act or any other provision of law may be used for—</p> <p>(1) the implementation of any tax or fee in connection with the implementation of subsection 922(t) of title 18, United States Code; and</p> <p>(2) any system to implement subsection 922(t) of title 18, United States Code, that does not require and result in the destruction of any identifying information submitted by or on behalf of any person who has been determined not to be prohibited from possessing or receiving a firearm no more than 24 hours after the system advises a Federal firearms licensee that possession or receipt of a firearm by the prospective transferee would not violate subsection (g) or (n) of section 922 of title 18, United States Code, or State law.</p>
510	No	<p>None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.</p>
511	No	<p>(a) Tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives are released without adequate disclaimers regarding the limitations of the data.</p> <p>(b) The Bureau of Alcohol, Tobacco, Firearms and Explosives shall include in all such data releases, language similar to the following that would make clear that trace data cannot be used to draw broad conclusions about firearms-related crime:</p> <p>(1) Firearm traces are designed to assist law enforcement authorities in conducting investigations by tracking the sale and possession of specific firearms. Law enforcement agencies may request firearms traces for any reason, and those reasons are not necessarily reported to the Federal Government. Not all firearms used in crime are traced and not all firearms traced are used in crime.</p> <p>(2) Firearms selected for tracing are not chosen for purposes of determining which types, makes, or models of firearms are used for illicit purposes. The firearms selected do not constitute a</p>

		<i>random sample and should not be considered representative of the larger universe of all firearms used by criminals, or any subset of that universe. Firearms are normally traced to the first retail seller, and sources reported for firearms traced do not necessarily represent the sources or methods by which firearms in general are acquired for use in crime.</i>
513	No	<i>None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.</i>
514	No	<i>None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act; The Electronic Communications Privacy Act; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; and the laws amended by these Acts.</i>
515	No	<i>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 \$250,000,000 has reasonable cause to believe that the total program cost has increased by 15 percent, the program manager shall immediately inform the 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.</i>
516	No	<i>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. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for fiscal year 2012.</i>
517	No	<i>None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.</i>
518	No	<i>None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.</i>
519	No	<i>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 at any single conference occurring outside the United States.</i>
520	No	<i>None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.</i>
521	No	<i>(a) The Comptroller General of the United States shall conduct a review and audit of Federal funds received by the Association of Community Organizations for Reform Now (referred to in this section as "ACORN") or any subsidiary or affiliate of ACORN to determine— (1) whether any Federal funds were misused and, if so, the total amount of Federal funds involved and how such funds were misused; (2) what steps, if any, have been taken to recover any Federal funds that were misused; (3) what steps should be taken to prevent the misuse of any Federal funds; and (4) whether all necessary steps have been taken to prevent the misuse of any Federal funds.</i>

		<i>(b) Not later than 180 days after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the audit required under subsection (a), along with recommendations for Federal agency reforms.</i>
522	No	<i>To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are "Energy Star" qualified or have the "Federal Energy Management Program" designation.</i>

**Table 4**  
FY 2010 GENERAL PROVISIONS NOT CONTINUED IN FY 2012—Title V

<b>Section Number Included in the FY 2010 Consolidated Appropriations Act (P.L. 111-117)</b>	<b>Explanation for Why General Provision is No Longer Necessary</b>
506	This clause was a hereafter clause in FY 2010; it is no longer necessary.
508	Requires the Department of Justice to provide a quarterly accounting of cumulative unobligated balances. This information is provided at the request of the Committee, so does not need to be in statute.
512	This provision is moved to Title II, Section 217, in the FY 2012 budget.
514	This provision is not necessary to restrict transfers – any transfer requires specific legislative authority.
515	Limits agency discretion in using funds.
517	Requires the Inspector General to conduct an audit of grants or contracts appropriated in this Act within 180 days of audit initiation and every 180 days afterwards until audit is complete. While this information will be provided as requested, the Department does not support this requirement as a General Provision.
520	The Department recommends deletion, consistent with the FY 2010 President's Budget. However, this legislative provision addressed is not administered by ATF but rather by the Office of Defense Trade Controls at the Department of State.
521	This proposal would prohibit ATF from denying import applications seeking to import U.S. origin curio or relic firearms. This provision has been in the CJS general language for the last few years, and ATF's policy has been to return such applications without action.
526	Requires Department's to provide a link to their Offices of Inspector General, and mechanism of public reporting on waste, fraud and abuse, on their Internet websites. Like many other agencies, the Justice Department is already in compliance with this General Provision.
529	This provision identifies one-time rescissions that were already enacted in FY 2010. Department of Justice rescissions proposed for FY 2012 are included in Title II.
532	This provision limits the President's discretion regarding the disposition of detainees at Guantanamo Bay Naval Base.
533	This provision amended a public law; since the amendment has been made, the provision does not need to be repeated.
537	This provision is administratively burdensome.
539	Limits agency discretion in using funds.