

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 2010 President’s Budget. Table 2 provides explanations for why select Title II General Provisions contained in the FY 2009 Department of Justice Appropriations Act are proposed for deletion.

Table 1
FY 2010 PROPOSED TITLE II GENERAL PROVISIONS

Section Number	New Yes/No	Description
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 (1) if the pregnancy is the result of an act of rape; or (2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place a woman in danger of death unless an abortion is performed <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 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.
206	No	The Attorney General is authorized to extend through September 30, 2011, 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 (6 U.S.C. 533) without limitation on the number of employees or the positions covered.
207	No	Notwithstanding any other provision of law, hereafter, 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 without fiscal year limitation 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.
208	No	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 certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.
209	No	(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.
210	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.

211	Yes	Of the unobligated recoveries from prior year appropriations for the Office of Justice Programs, \$42,000,000 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.
212	Yes	Section 5759 of Title 5, United States Code, is amended by striking subsection (e).
213	Yes	(a) Subchapter IV or chapter 57 of title 5, United States Code, is amended by adding at the end the following: “5761. Foreign language proficiency awards for the Federal Bureau of Investigation “The Director of the Federal Bureau of Investigation may, under regulations prescribed by the Director, pay a cash award of up to 10 percent of basic pay to any Bureau employee who maintains proficiency in a language or languages critical to the mission or who uses one or more foreign languages in the performance of official duties.” (b) The analysis for chapter 57 of title 5, United States Code, is amended by adding at the end the following: “5761. Foreign language proficiency awards for the Federal Bureau of Investigation.”
214	Yes	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”, “Weed and Seed”, “Community Oriented Policing Services”, “Violence Against Women Prevention and Prosecution Programs”, and “Juvenile Justice Programs”—(a) Up to three percent of funds made available to the Office of Justice Programs for grants or reimbursement may be used to provide training and technical assistance: and (b) Up to one percent of funds made available to such Office for formula grants under such heading may be used for research or statistical purposes by the National Institute of Justice or the Bureau of Justice Statistics, pursuant to, respectively, sections 201 and 202, and sections 301 and 302, of title I of P.L. 90-351.
215	No	Funds appropriated by this chapter, or made available by the transfer of funds in this chapter, 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).

Table 2
FY 2009 TITLE II GENERAL PROVISIONS PROPOSED FOR DELETION

Section Number Included in FY 2009 Department of Justice Appropriations Act	Explanation for Why General Provision is No Longer Necessary
205	The last proviso is proposed for deletion because it unnecessarily limits the Attorney General’s transfer authority.
210	This provision impinges on the Attorney General’s control of spending on Information Technology projects within the Department of Justice. It is unnecessary and should be deleted.
211	This provision is duplicative of the section 505 notice requirement in certain respects, and in addition restricts our ability to use deobligated balances, and therefore should be deleted.
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 2010.
215	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 2009 for which the cost to the government was over \$20,000. This provision is for FY 2009 conferences, and should therefore be deleted.

General Provisions—Title V

Table 3 displays Title V General Provisions contained in the FY 2010 President’s Budget for which changes are proposed that affect the Department of Justice. Table 4 provides explanations for the proposed deletion of select Justice-related items in the 2009 Title V General Provisions.

Table 3
FY 2010 PROPOSED GENERAL PROVISIONS—Title V

Section Number	New Yes/No	Description
Title V, Sect. 505(a) and 505(b)	No	(a)(1): Add the following clause to the end of (a)(1): “, unless the House and Senate Committees on Appropriation are notified 15 days in advance of such reprogramming of funds;” (a)(3): Strike “by this Act” – this phrase restricts our ability to reprogram funds (a)(5): Strike “or renames” renaming an office should not rise to the same level as reprogramming funds (a)(7): Strike this paragraph – unclear (a)(8): Replace “\$500,000” with “\$1,000,000” (b): Strike – it limits discretion in using agency funds
512	No	Notwithstanding any other provision of law, amounts deposited or available in the Fund established under section 1402 of Public Law 98-473 in this fiscal year in excess of \$700,000,000 shall not be available for obligation in this fiscal year; Provided further, That the availability of funds under section 1402(d)(3) to improve services shall be understood to mean availability for pay or salary, including benefits for the same.

Table 4
FY 2009 GENERAL PROVISIONS PROPOSED FOR DELETION—Title V

Section Number Included in FY 2009 Appropriations Act for Science, the Departments of State, Justice, and Commerce, and related agencies	Explanation for Why General Provision is No Longer Necessary
506	This clause was a hereafter clause in FY 2009, 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.
514	This provision is not necessary to restrict transfers – any transfer requires specific legislative authority.
515	Limits agency discretion in using funds.
516	Addresses the need for disclaimers regarding information released about tracing studies conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives. This provision is not necessary.
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.
524	Limits agency discretion in using funds.
531	In the alternative, edit by striking “send or otherwise”. Limits agency discretion in using funds.