

**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 2011 President’s Budget. Table 2 provides explanations for why select Title II General Provisions contained in the FY 2010 Department of Justice Appropriations Act are proposed for deletion.

**Table 1**  
**FY 2011 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 where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: <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, 2012, 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, 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	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.

211	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.
212	No	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) Up to 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 for 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 (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.
213	No	The Attorney General may, upon request by a grantee and based upon a determination of fiscal hardship, waive the requirements of paragraph (1) of section 2976(g) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(g)(1)) with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2010 and 2011 for Adult and Juvenile Offender State and Local Reentry Demonstration Projects authorized under part FF of such Act of 1968
214	No	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.
215	Yes	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)".
216	No <sup>1</sup>	Of the unobligated balances from prior year appropriations for the Office of Justice Programs, \$42,000,000 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.
217	No <sup>2</sup>	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 \$800,000,000 shall not be available for obligation in this fiscal year: <i>Provided</i> , 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.

<sup>1</sup> The FY 2011 budget proposes to move OJP's rescission language to Title II; in the FY 2010 CJS appropriation, the OJP rescission is found in Title V, Section 529.

<sup>2</sup> The FY 2011 budget proposes to move the Crime Victims Fund limitation language to Title II; in the FY 2010 CJS appropriation, this language is found in Title V, Section 512.

218	Yes	For an additional amount for the "Salaries and Expenses" account under the heading "General Administration", \$10,778,000, to increase the Department's acquisition workforce capacity and capabilities: <i>Provided</i> , That such funds may be transferred by the Attorney General to any other account in the Department to carry out the purposes provided herein: <i>Provided further</i> , That such transfer authority is in addition to any other transfer authority provided in this Act: <i>Provided further</i> , That such funds shall be available only to supplement and not to supplant existing acquisition workforce activities: <i>Provided further</i> , That such funds shall be available for training, recruitment, retention, and hiring additional members of the acquisition workforce as defined by the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 401 et seq.): <i>Provided further</i> , That such funds shall be available for information technology in support of acquisition workforce effectiveness or for management solutions to improve acquisition management.
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**Table 2**  
FY 2010 TITLE II GENERAL PROVISIONS PROPOSED FOR DELETION

<b>Section Number Included in FY 2010 Department of Justice Appropriations Act</b>	<b>Explanation for Why General Provision is No Longer Necessary</b>
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.
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 2011.
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 2011.

## General Provisions—Title V

Table 3 displays Title V General Provisions contained in the FY 2011 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 2010 Title V General Provisions.

**Table 3**  
FY 2011 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;” – permits agencies to create or initiate a program as long as proper notice is given (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” as notification threshold (b): Amend by striking “through the reprogramming of funds after August 1, except in extraordinary circumstances, and only after” – eliminates the deadline requiring most reprogrammings to be completed by August 1; replace “30” days with “15” days as notification threshold
515	No	Replace “\$75,000,000” with “\$250,000,000”; replace “10” percent with “15 “ percent – increases flexibility in managing and implementing programs and reduces reporting burden

**Table 4**  
FY 2010 GENERAL PROVISIONS PROPOSED FOR DELETION—Title V

Section Number Included in FY 2010 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 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 2011 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.
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 is a one-time rescission of Department of Justice balances in FY 2010.
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.
534	Limits agency discretion in using funds.
535	This provision required a review and audit that is already being conducted; therefore, the provision does not need to be repeated.
537	This provision is administratively burdensome.
539	Limits agency discretion in using funds.