

SUMMARY OF GENERAL PROVISIONS  
General Provisions—Department of Justice

The table below displays the General Provisions for the Department of Justice contained in the FY 2005 President’s Budget. The table on the following page displays those General Provisions contained in the FY 2004 Consolidated Appropriations Act that are proposed for deletion, along with an explanation for why they are no longer necessary.

FY 2005 PROPOSED GENERAL PROVISIONS

Section Number	New Yes/No	Description
Title I, Sect.101	No	A total of not to exceed \$55,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.
102	No	None of the funds appropriated under 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. Also, should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.
103	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.
104	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; and nothing in this section in any way diminishes the effect of the previous section intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.
105	No	Authorities contained in the 21 <sup>st</sup> Century Department of Justice Appropriations Authorization Act (Public Law 107-273) shall remain in effect until the effective date of a subsequent Department of Justice appropriations authorization act.
106	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. Any transfers pursuant to this section must be treated as a reprogramming of funds under section 605 of this Act.
107	Yes	The Attorney General is authorized to extend through September 20, 2006, 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. This demonstration project affects selected positions of the Bureau of Alcohol, Tobacco, Firearms and Explosives.

FY 2004 GENERAL PROVISIONS PROPOSED FOR DELETION

Section Number Included in FY 2004 Consolidated Appropriations Act	Explanation for Why General Provision is No Longer Necessary
Title I, Sect.105	This provision relates to rewards. The subject is covered by the 21 <sup>st</sup> Century Department of Justice Appropriations Authorization Act, Public Law 107-273, as codified in 28 U.S.C. 530C(b)(1)(L).
107	This provision allows citizenship to be awarded posthumously for victims of the September 11 <sup>th</sup> attacks. This function was transferred to the Department of Homeland Security in the Homeland Security Act of 2002, Public Law 107-296.
108	Authorizes the Attorney General to transfer forfeited real or personal property and contains a “hereafter” clause. This authority is now permanent.
110	Prohibits the payment of legal fees for individuals employed as attorneys by the Department of Justice under certain circumstances. This provision is not necessary because the Department generally does not pay the legal fees under such circumstances, but requires the flexibility to do so if it is in the best interests of the Government.
111	Provides an Additional \$15,000,000 to the United States Attorneys for Project Seahawk in FY 2004. This is a one-time infusion of funds.
112	Prohibits resources from being used for courts or law enforcement officers for Native American tribes or villages under certain circumstances, and establishes an Alaska Rural Justice and Law Enforcement Commission. This provision contains a “hereafter” clause so it is now permanent.
113	Provides an additional \$550,000 for the Local Law Enforcement Grant Program, to be provided to the City of San Juan, Puerto Rico. This is a one-time infusion of funds.
114	Rescinds \$100,000,000 from unobligated balances available to the Department from prior year appropriations. This is a one-time rescission.

General Provisions—Other Titles

The table below displays General Provisions contained in the FY 2005 President’s Budget for which changes are proposed that affect the Department of Justice, but that are not contained in the Department’s portion of budget. The table that follows displays Justice-related items that are currently contained in these other portions of the budget and are proposed for deletion.

FY 2005 PROPOSED GENERAL PROVISIONS—OTHER TITLES

Section Number	New Yes/No	Description
Title VI, Sect. 605(b)	No	Changes the reprogramming threshold amount from \$500,000 or 10 percent, whichever is less, to \$1,000,000 or 10 percent, whichever is less.
613	No	Sets the obligation limitation for the Crime Victims Fund to \$675,000,000, including \$50,000,000 for the Antiterrorism Emergency Reserve authorized by Public Law 107-56.

FY 2004 GENERAL PROVISIONS PROPOSED FOR DELETION—OTHER TITLES

Section Number Included in FY 2004 Consolidated Appropriations Act	Explanation for Why General Provision is No Longer Necessary
Title VI, Sect. 609	Addresses a Memorandum of Agreement signed by the Federal Trade Commission and the Antitrust Division that was never implemented.
611	Requires the Department of Justice to provide a quarterly accounting of cumulative unobligated balances. While this information will be provided as requested, the Department does not support this requirement as a General Provision.
614	Restricts the ability of the Department to award grants under the Local Law Enforcement Block Grant program. This provision unnecessarily limits the Department’s ability to award grants.
615	Addresses the use of funds to promote the sale or export of tobacco or tobacco products. This provision was included in a “hereafter” clause in the FY 2003 appropriation (section 614) and therefore was made permanent.
623	Addresses the use of funds for audiovisual or electronic equipment for recreational purposes in federal

	prisons. This provision was included in a “hereafter” clause in the FY 2003 appropriation (section 614) and therefore was made permanent.
636	Relates to functions that were transferred from the Department of Justice to the Department of Homeland Security.
638	Rescinds an amount equal to 0.465 percent of the budget authority provided for FY 2004 for any discretionary account in this Act. This is not necessary for FY 2005.
Title VII, Rescissions	Contains Department of Justice program-specific rescissions to unobligated balances. These are one-time rescissions.
Division H, Section 103	Provides a one-time earmark for Byrne discretionary grants associated with the 2004 Presidential Candidate Nominating Conventions.
Division H, Section 107	Provides a one-time earmark for Byrne discretionary grants for programs in Mississippi.