

SUMMARY OF GENERAL PROVISIONS  
General Provisions—Department of Justice

Table 1 displays the Title I General Provisions for the Department of Justice contained in the FY 2006 President’s Budget. Table 2 displays those Title I General Provisions contained in the FY 2005 Consolidated Appropriations Act that are proposed for deletion, along with an explanation for why they are no longer necessary.

Table 1  
 FY 2006 PROPOSED TITLE I GENERAL PROVISIONS

Section Number	New Yes/No	Description
101	No	A total of not to exceed \$60,000 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	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. (Proviso restricting transfers from “Buildings and Facilities, Federal Prison System,” is deleted.)
106	No	The Attorney General is authorized to extend through September 20, 2007, 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 (ATF).
107	No	Notwithstanding any other provision of law, P.L. 102-395 section 102(b) shall extend to ATF in the conduct of undercover investigative operations and shall apply without fiscal year limitation.
108	No	None of the funds made available to the Department of Justice in this Act may be used to transport 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.
109	Yes	Of the unobligated balances available in the Assets Forfeiture Fund, \$62,000,000 are permanently cancelled and shall be transferred to the General Fund of the Treasury of the United States.
110	Yes	Amends Section 843(a) of title 18, United States Code, to allow ATF to raise fees for explosives permits and licenses.

Table 2  
FY 2005 TITLE I GENERAL PROVISIONS PROPOSED FOR DELETION

Section Number Included in FY 2005 Consolidated Appropriations Act	Explanation for Why General Provision is No Longer Necessary
105	This provision states that 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. The FY 2005 provision is in effect until a subsequent Department of Justice appropriations authorization act is enacted, and does not need to be repeated.
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	Provides an Additional \$15,000,000 to the United States Attorneys for Project Seahawk in FY 2005. This provision is not needed.
110	None of the funds appropriated in the Act may be used by the Drug Enforcement Administration (DEA) to establish a procurement quota following the approval of a new drug application or an abbreviated new drug application for a controlled substance.
111	The limitation in the preceding section shall not apply to any new drug application for which DEA has reviewed and provided public comments on labeling, promotion, risk management plans, and any other documents.
112	Amends section 8335(b) of title 5, United States Code. Does not need to be repeated.
113	Amends subchapter IV of chapter 57 of title 5, United States Code. Does not need to be repeated.
114	Amends chapter 25 of title 5, United States Code. Does not need to be repeated.
115	Amends section 5377(a)(2) of title 5, United States Code. Does not need to be repeated.
117	Amends section 1344 of title 31, United States Code. Does not need to be repeated.
118	Requires the Bureau of Prisons (BOP) to submit a comprehensive financial plan to the Committees on Appropriations. This is not needed.
119	Directs the BOP to implement a pilot program in the Southern District of Florida that would allow the Federal Public Defender to transfer computers to the local detention facility to review electronic discovery. This pilot program is being established so this provision is not needed.
121	Addresses the use of funds for audiovisual or electronic equipment for recreational purposes in federal prisons. It was included as a "Hereafter" provision in FY 2003 (section 621) and therefore does not need to be repeated.
122	Amends section 3(e) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note). Does not need to be repeated.
123	Amends the Prison Rape Elimination Act of 2003. Does not need to be repeated.
124	Directs the President to award and present a 9/11 Heroes Medal of Valor to an appropriate representative of those individuals who were members of public safety agencies and were killed in the terrorist attacks on September 11, 2001, as certified by the Attorney General. Does not need to be repeated.
125	Directs the transfer of a specified parcel of real property from the Department of Justice to the Secretary of the Army. Does not need to be repeated.
126	Directs the Department to establish an Office of Justice for Victims of Overseas Terrorism. Does not need to be repeated.

## General Provisions—Title VI

Table 3 displays Title VI Commerce, Justice, and State General Provisions for which changes are proposed that affect the Department of Justice. Table 4 displays Justice-related items in the Commerce, Justice, and State General Provisions that are currently proposed for deletion.

Table 3  
FY 2006 PROPOSED GENERAL PROVISIONS—Title VI

Section Number	New Yes/No	Description
Title VI, Sect. 605(b)	No	Changes the reprogramming threshold amount from \$750,000 or 10 percent, whichever is less, to \$1,000,000 or 10 percent, whichever is less. Also deletes renaming offices from the list of actions that trigger a Section 605 notification.
612	No	Sets the obligation limitation for the Crime Victims Fund to \$650,000,000, including \$50,000,000 for the Antiterrorism Emergency Reserve authorized by Public Law 107-56. Also proposes that amounts in excess of such sums as are available for obligation are cancelled and transferred to miscellaneous receipts of the Treasury.

Table 4  
FY 2005 GENERAL PROVISIONS PROPOSED FOR DELETION—Title VI

Section Number Included in FY 2005 Consolidated Appropriations Act	Explanation for Why General Provision is No Longer Necessary
610	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.
613	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.
622	Addresses telecommuting, including the designation of a “Telework Coordinator.” These requirements have been fulfilled.
625	Relates to functions that were transferred from the Department of Justice to the Department of Homeland Security.
628	Directs the Department of Justice, Homeland Security, and State to jointly conduct a study of the interagency process used to review applications for nonimmigrant visas. Study requirement does not need to be repeated.
633	Amends section 111(b) of P.L. 102-395 (21 U.S.C. 886a). Does not need to be repeated.
640	Rescinds an amount equal to 0.54 percent of the budget authority provided for FY 2004 for any discretionary account in this Act. This was a one-time rescission in FY 2005.