

DEPARTMENT OF JUSTICE  
2008 APPROPRIATION LANGUAGE CHANGES

The information provided below describes substantive changes from the Department of Justice Appropriations Act for 2006 (new language for 2007 has not been enacted). Note that all appropriations language proposed in the 2008 President’s Budget is new; this comparison with 2006 enacted language is for reference only. Also, changes such as new funding levels, changes in the number of motor vehicles, or changes in references to fiscal years are not discussed.

Impact of the 21<sup>st</sup> Century Department of Justice Authorization Appropriations Act (P.L. 107-273). General authorizations provided in this act permanently provided: 1) authority for accounting for confidential expenditures solely under the certificate of the Attorney General; 2) authority to purchase vehicles for law enforcement purpose without regard to the general purchase price limitation; and 3) designation of construction-related activities such as planning, designing, equipping, renovating, modernizing, remodeling, maintaining, and repairing as part of a general construction authority. The construction-related terms are not repeated in the Department’s annual appropriations language, but are included under the general term “construction.”

Impact of Program Restructuring on Appropriations language. Consistent with Government Performance and Results Act, the FY 2008 budget proposes to streamline its budget account structure to produce a thematic presentation of both budget and performance information, thereby enhancing the understanding of programs as they relate to performance. The appropriations language for the affected components is restructured to reflect these proposals.

<b>Program</b>	<b>Language Changes</b>
General Administration, Salaries and Expenses	Deletes reference to “the Facilities Program 2000”, instead, provides funds for “security for and construction of Department of Justice facilities”. Deletes language that places restrictions on the Department Leadership Program, the Offices of Legislative, and the Offices of Public Affairs in terms of positions, workyears, appropriation amounts, and augmentation through the use of details.
Justice Information Sharing Technology	Deletes reference to the Unified Financial Management System Executive Council and to funds beginning contingent on submission of the plan described in Section 110 of the Department of Justice Appropriations Act, 2006.
Narrowband Communications/Integrated Wireless Network	Changes the title of the account from “Narrowband Communications/Integrated Wireless Network” to “Law Enforcement Wireless Communications”. Adds language to change the program from Narrowband Communications to Integrated Wireless Network.
Administrative Review Appeals	Adds authority to receive funds from the Immigration Examinations Fee Account.
Detention Trustee	Deletes language that says \$45,000,000 shall be derived from prior year unobligated balances. Deletes phrase “and for overseeing housing related to such detention.” Deletes language stating that unobligated balances from prior years under Federal Prisoner

	Detention shall be transferred to Detention Trustee. Adds language stating that up to \$5,000,000 shall be considered funds for State and local law enforcement assistance.
Working Capital Fund	Adds language stating that \$41,000,000 in unobligated balances is permanently cancelled.
Antitrust Division	Revises language to clarify that offsetting collections are estimates, as are 2007 appropriations from the general fund.
United States Attorneys, Salaries and Expenses	Deletes language providing funding for "Operation Streetsweeper".
U.S. Marshals Service	Combines Salaries and Expenses with the construction account.
Fees and Expenses of Witnesses	Adds "expenses of foreign counsel" to the list of items that can be provided for by the Fees and Expenses of Witnesses appropriation. Changes "transportation of protected witnesses" to "witness security caravans" and increases the amount authorized from \$1,000,000 to \$3,000,000 for such caravans.
United States Trustee System Fund	Deletes the following language because it is not necessary: "...That, notwithstanding any other provision of law, \$214,402,000 of offsetting collections pursuant to 28 U.S.C. 589a(b) shall be retained and used for necessary expenses in this appropriation and remain available until expended: Provided further, That the sum herein appropriated from the Fund shall be reduced as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year 2006 appropriation from the Fund estimated at \$0."
Assets Forfeiture Fund	Adds a provision under this heading to permanently cancel \$240,000,000 in obligated balances.
National Security Division	Adds new language establishing this account and provides that in emergencies the Attorney General may transfer the amount necessary to this amount.
Federal Bureau of Investigation	Deletes language relating to vehicles and funds for unforeseen emergencies of a confidential character, both of which were permanently authorized in P.L. 107-273. Deletes language stating that not to exceed \$25,000,000 be made available for making advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in specified activities. Adds language to provide for up to \$170,000 for the 100 <sup>th</sup> anniversary of the Federal Bureau of Investigation.
Federal Bureau of Investigation, Construction	Deletes language related to the construction of the Federal Bureau of Investigation Center for Integrated Training and Technology Transfer in Redstone Arsenal, a chemical and biological evidence handling and storage facility, and a permanent central records complex in Frederick County, Virginia.
Drug Enforcement Administration	Deletes language relating to vehicles that was permanently authorized in P.L. 107-273.
Bureau of Alcohol, Tobacco, Firearms and Explosives	Deletes language relating to the construction of a permanent site for the National Center for Explosives Training and Research. Adds language clarifying ATF's ability to share information from the National Trace Center with State and local jurisdictions.
Office of Justice Programs	For Justice Assistance, deletes language referring to Safe Streets Act of 1968 and the Justice for all Act of 2004 and adds the following four program areas: criminal justice statistics; research, development, and evaluation; Regional Information Sharing System; and support services and administrative expenses of the Office for Victims of Crime. For State and Local Law Enforcement Assistance, deletes citation language; deletes all program language; and adds language to consolidate State and Local Law Enforcement Assistance into two program areas: violence crime reduction partnership initiative; and Byrne public safety and protection program. Deletes all of Weed and Seed's language. For Juvenile Justice Programs, deletes citation language and all language after "to remain available until

	expended” including all program language. For Public Safety Officers’ Benefits, adds the following language “(including amounts for administrative costs, which amounts shall be paid to the 'Justice Assistance' account)”.
Community Oriented Policing Services	Changes the authority cited from “Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322)” to “Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C.3796dd and 42 U.S.C.3797e), as amended”. Adds language stating that all prior year unobligated balances derived from the Violent Crime Trust Fund for Community Oriented Policing Services shall be transferred to and merged with this appropriation. Deletes language regarding use of prior year balances made available through prior year deobligations for program management and administration and for transferring to National Institute of Standards and Technology. Deletes language for the enforcement armor vest program; methamphetamine program; law enforcement technologies and interoperable communications program; grants to upgrade criminal records; Offender Re-entry program; DNA Initiative; law enforcement assistance to Indian tribes program; national program to reduce gang violence; Paul Coverdell Forensic Sciences Improvement Grants; grants, contracts and other assistance to states under section 102(b) of the Crime Identification Technology Act of 1998; and Project Safe Neighborhoods. Adds language providing funds for program management and administration. Adds language to cancel \$87,500,000 in unobligated balances.
Office on Violence Against Women	Deletes all previous language including language referring to the following programs: the court-appointed special advocate program; child abuse training programs for judicial personnel; grants for televised testimony of children; STOP grants; grants to encourage arrest policies; rural domestic violence assistance grants; training programs to assist probation and parole officers; stalker databases; violence on campuses program; civil legal assistance; elder abuse grant program; safe haven project; and training for disable female victims program. Adds language to create a unified program for prevention and prosecution of violence against women and for related victims services.
Crime Victims Fund	Adds language to create an appropriation for the Crime Victims Fund in an amount not to exceed \$625,000,000 which shall be offset by Crime Victims Fund collections. The language also permanently cancels unobligated balances in excess of the amount appropriated.

**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 2008 President’s Budget. Table 2 displays those Title I General Provisions contained in the FY 2006 Department of Justice Appropriations Act that are proposed for deletion, along with an explanation for why they are no longer necessary.

Table 1  
FY 2008 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 30, 2009, 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	Amends Section 589a of title 28, United States Code, to allow fines collected by the U.S. Trustee Program under section 110(1)(4)(A) of title 11, United States Code, as offsetting collections so that the Program may have use of the funds for enforcement activities.
110	Yes	Amends Section 1930 of title 28, United States Code, to increase the quarterly fee imposed in each case filed pursuant to chapter 11 of title 11, United States Code. The fee would take effect for the quarter beginning January 1, 2008 or the date of enactment of the Appropriation Act, whichever is later.

111	Yes	Cancels \$87,500,000 of unobligated recoveries from the Office of Justice Programs.
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Table 2  
FY 2006 TITLE I GENERAL PROVISIONS PROPOSED FOR DELETION

Section Number Included in FY 2006 Department of Justice Appropriations Act	Explanation for Why General Provision is No Longer Necessary
105	Last proviso is proposed for deletion because it unnecessarily limits the Attorney General's transfer authority.
109	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.
110	Establishes an investment review board under the Deputy Attorney General. This board has been established.
111	Amends Section 3151(b) of title 5, United States Code. Does not need to be repeated.
112	Creates a Methamphetamine Task Force within the Drug Enforcement Administration. The task force has been created.
113	Amends the Prison Rape Elimination Act of 2003 (42 U.S.C. 15603(a)). Does not need to be repeated.
114	Waives the matching requirement for the purchase of bulletproof vests of the Bulletproof Vest Partnership Grant Act of 1998 for any law enforcement agency under certain conditions. Does not need to be repeated.

### General Provisions—Title VI

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

Table 4  
 FY 2006 GENERAL PROVISIONS PROPOSED FOR DELETION—Title VI

Section Number Included in FY 2006 Appropriations Act for Science, the Departments of State, Justice, and Commerce, and related agencies	Explanation for Why General Provision is No Longer Necessary
608	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.
609	Establishes an appropriation for Crime Victims Fund in the Justice title.
610	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.
617	Addresses telecommuting, including maintaining a “Telework Coordinator.” These requirements have been fulfilled.
621	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.
638	Rescinds an amount equal to 0.28 percent of the budget authority provided for FY 2006 for any discretionary account in this Act. This was a one-time rescission in FY 2006.