

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 2009 President’s Budget. Table 2 provides explanations for why select Title II General Provisions contained in the FY 2008 Department of Justice Appropriations Act are proposed for deletion.

Table 1
FY 2009 PROPOSED TITLE II GENERAL PROVISIONS

| Section Number | New Yes/No | Description |
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| 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. (Proviso restricting transfers from “Buildings and Facilities, Federal Prison System,” is deleted.) |
| 206 | No | The Attorney General is authorized to extend through September 30, 2010, 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 initiated 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. |

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| 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 | Notwithstanding any other provision of law, a public or private institution of higher education may offer or provide an officer or employee of any branch of the United States Government or the District of Columbia, who is a current or former student of such institution, financial assistance for the purpose of repaying a student loan or forbearance of student loan repayment, and an officer or employee of any branch of the United States Government or of the District of Columbia may seek or receive such assistance or forbearance. |
| 211 | Yes | Of the unobligated recoveries from prior year appropriations for the Office of Justice Programs, \$100,000,000 shall be permanently cancelled. |

Table 2
FY 2008 TITLE II GENERAL PROVISIONS PROPOSED FOR DELETION

| Section Number Included in FY 2008 Department of Justice Appropriations Act | Explanation for Why General Provision is No Longer Necessary |
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| 208 | 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 therefore be deleted. |
| 211 | This provision is duplicative of reprogramming requirements set forth in other language and should therefore be deleted. |
| 212 | This provision amends Section 589(a) of title 28, United States Code. The Code has been amended and this provision should therefore be deleted. |
| 213 | This provision amends Section 1930(a) of title 28, United States Code. The Code has been amended and this provision should therefore be deleted. |
| 214 | This provision impinges on the ability of the Attorney General to manage Department of Justice resources, and should be deleted. |
| 215 | This provision impinges on the ability of the Attorney General to manage Department of Justice resources, and should be deleted. |
| 216 | This provision withholds \$25 million from the FBI Sentinel program's FY 2008 appropriation until a report as been submitted to the Appropriations Committees and the Government Accountability Office for review of its performance. It relates to the FY 2008 appropriation and should therefore be deleted. |
| 217 | 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 2009. |
| 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 2008 for which the cost to the government was over \$20,000. |

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| | This provision is for FY 2008 conferences, and should therefore be deleted. |
| 220 | <p>(a) This provision amends Section 2996(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797cc(a)). The Code has been amended and this provision should therefore be deleted.</p> <p>(b) This provision amends Section 755(a) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc-2(a)). The Code has been amended and this provision should therefore be deleted.</p> <p>(c) This provision amends Section 755(a) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (42 U.S.C. 3797cc-3). The Code has been amended and this provision should therefore be deleted.</p> |

General Provisions—Title V

Table 3 displays Title V General Provisions contained in the FY 2009 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 2008 Title V General Provisions.

Table 3
FY 2009 PROPOSED GENERAL PROVISIONS—Title V

| Section Number | New Yes/No | Description |
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| Title V, Sect. 505(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. |

Table 4
FY 2008 GENERAL PROVISIONS PROPOSED FOR DELETION—Title V

| Section Number Included in FY 2008 Appropriations Act for Science, the Departments of State, Justice, and Commerce, and related agencies | Explanation for Why General Provision is No Longer Necessary |
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| 507 | Statement relating to the use of funds for implementing, administering, or enforcing the guidelines of the Equal Employment Opportunity Commission. This provision is not needed in FY 2009. |
| 509 | Requires the Department of Justice to provide a quarterly accounting of cumulative unobligated balances. While this |

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| | information will be provided as requested, the Department does not support this requirement as a General Provision. |
| 511 | 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. |
| 513 | Limits the amount deposited or available in Fund established under 42 U.S.C. 10601 to \$590,000,000. Anything above that amount can not be available for obligation until the next fiscal year. |
| 515 | Limits the transfer authority between departments, agencies or instrumentalities to transfers made by or with authority from Appropriations acts. |
| 517 | Makes E-Government initiatives to be subject to section 505 of the Act which prevents funds from being used for reprogramming that create new programs. |
| 518 | 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. |
| 519 | 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. |
| 522 | Restricts funding the payment of administrative expenses or compensation to an officer or U.S. Employee for the requirement of an export license for firearms. |
| 523 | Disallows any department, agency or instrumentality of the U.S. from obligating or expending funds to pay administrative expenses or the compensation of any officer or employee of the United States for a permit to import U.S. origin firearms. |
| 527 | Disallows funds from being available for a public-private competition or to convert function performed by Federal employees to private sector performance. |
| 530 | Requires that the House and Senate Appropriations committees must be notified if a project over \$75,000,000 is expected to have a cost increase of 10 percent or more. |
| 531 | Restricts funds from reprogramming after June 30. |