

SUMMARY OF GENERAL PROVISIONS
General Provisions—Department of Justice

Table 1 displays the Title II General Provisions for the Department of Justice to be contained in the FY 2023 President’s Budget. The FY 2023 language is compared below to the FY 2022 President’s Budget. New language proposed for FY 2023 is italicized and underlined, and language proposed for deletion is bracketed. There are no Title II General Provisions that the FY 2023 President’s Budget is proposing for deletion (as compared to the FY 2022 President’s Budget) and therefore there is no table for these.

Table 1
FY 2023 PROPOSED TITLE II GENERAL
PROVISIONS

Section Number	New? Yes/No	Language
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 or incest: <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 504 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.
206	No	None of the funds made available under this title may be used by the Federal Bureau of Prisons or the United States Marshals Service 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.
207	No	(a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, or to rent or purchase audiovisual or electronic media or equipment used primarily for recreational purposes. (b) Subsection (a) does not preclude the rental, maintenance, or purchase of audiovisual or electronic media or equipment for inmate training, religious, or educational programs.

Section Number	New? Yes/No	Language
208	No	The notification thresholds and procedures set forth in section 504 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and in the explanatory statement that accompanies this Act, and to any use of deobligated balances of funds provided under this title in previous years.
209	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.
210	Amended ¹	<p>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 title under the headings “Research, Evaluation and Statistics”, “State and Local Law Enforcement Assistance”, and “Juvenile Justice Programs”—</p> <p>(1) up to 2 percent of funds made available for grant or reimbursement programs may be used by the Office of Justice Programs to provide training and technical assistance; and</p> <p>(2) up to 2 2.5 percent of funds made available for grant or reimbursement programs, except for amounts appropriated specifically for research, evaluation, or statistical 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 reimbursement programs.</p>
211	Amended ²	<p>Upon request by a grantee for whom the Attorney General has determined there is a fiscal hardship, the Attorney General may, with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2019 2020 through 2022 2023 for the following programs, waive the following requirements:</p> <p>(1) For the adult and juvenile offender State and local reentry demonstration projects under part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968, the requirements under section 2976(g)(1) of such part.</p> <p>(2) For grants to protect inmates and safeguard communities as authorized by section 6 of the Prison Rape Elimination Act of 2003, the requirements of section 6(c)(3) of such Act.</p>
212	No	Notwithstanding any other provision of law, section 20109(a) of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12109(a)) shall not apply to amounts made available by this or any other Act.
213	No	None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901), may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

¹ Modifies amount to be transferred to NIJ/BJA for research, evaluation or statistical purposes.

² Updates the applicable time period to reflect that this is the FY 2023 President’s Budget.

Section Number	New? Yes/No	Language
214	No	Discretionary funds that are made available in this Act for the Office of Justice Programs may be used to participate in Performance Partnership Pilots authorized under such authorities as have been enacted for Performance Partnership Pilots in appropriations acts in prior fiscal years and the current fiscal year.
215	Amended	Notwithstanding any other provision of law, amounts deposit or available in the Fund established by section 1402 of chapter XIV of Title II of Public Law 98-473 (34 U.S.C 20101) in any fiscal year in excess of [\$2,650,000,000] <u>\$1,750,000,000</u> shall not be available for obligation until the following fiscal year; Provided, That notwithstanding section 1402(d) of such Act, of the amounts available from the Fund for obligation: (2) \$10,000,000 shall be transferred to the Department of Justice Office of Inspector General and remain available until expended for oversight and auditing purposes associated with this section; (2) up to 5 percent shall be available to the Office for Victims of Crime for grants, consistent with the requirements of the Victims of Crime Act, to Indiantribes to improve services for victims of crime; and (3) \$50,000,000 is for a victim advocate program.
216	No	In this fiscal year, amounts credited to and made available in the Department of Justice Working Capital Fund as an offsetting collection pursuant to section 11013 of Public Law 107-273 shall be so credited and available as provided in that section.
217	No	The following provisos are repealed: (a) the first and fifth provisos included under the heading "Department of Justice—Bureau of Alcohol, Tobacco, Firearms and Explosives—Salaries and Expenses" in the Department of Justice Appropriations Act 2013 (Title II, Division B, Public Law 113-6); and (b) the sixth proviso included under the heading "Department of Justice—Bureau of Alcohol, Tobacco, Firearms and Explosives— Salaries and Expenses" in each of the following Acts: the Department of Justice Appropriations Act, 2012 (Title II, Division B, Public Law 112-55); the Department of Justice Appropriations Act, 2010 (Title II, Division B, Public Law 111-117); the Department of Justice Appropriations Act, 2009 (Title II, Division B, Public Law 111-8); the Department of Justice Appropriations Act, 2008 (Title II, Division B, Public Law 110-161); the Department of Justice Appropriations Act, 2006 (Title II, Division B, Public Law 109-108); and the Department of Justice Appropriations Act, 2005 (Title II, Division B, Public Law 108-447).
<u>218</u>	Yes ³	<u>Section 3201 of Public Law 101-647, as amended (28 U.S.C. 509 note), is hereby amended:</u> (1) <u>by striking "or the Immigration and Naturalization Service" and inserting "the Federal Prison System, the Bureau of Alcohol, Tobacco, Firearms and Explosives, or the United States Marshals Service"; and</u> (2) <u>by striking "\$25,000" and inserting "\$50,000".</u>

³ Proposes to increase the amounts available to pay humanitarian expenses incurred by or for an employee (or any member of the employee's immediate family) that results from or is incident to serious illness, serious injury, or death occurring to the employee while on official duty or business and expands the provision to include additional Department law enforcement components.

Section Number	New? Yes/No	Language
[218] 219	Amended ⁴	Of the unobligated balances available from prior year appropriations to the Office of Justice Programs, [\$90,000,000] <u>\$75,000,000</u> 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.
[219] 220	Amended ⁵	Of the unobligated balances available in the Working Capital Fund, [\$108,400,000] <u>\$100,000,000</u> 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.
221	Yes	<i>Of the unobligated balances available in the Department of Justice Assets Forfeiture Fund, established by section 524 of title 28, United States Code, \$100,000,000 shall be permanently cancelled not later than September 30, 2023: Provided, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.</i>

SUMMARY OF GENERAL PROVISIONS
General Provisions—Title V

The FY 2023 President's Budget does not propose to add, delete or substantively change any Department of Justice-related Title V general provisions, and therefore there is not a Title V chart.

⁴ Modifies the amount proposed for the OJP rescission.

⁵ Modifies the amount proposed for the WCF cancellation.