

**COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES
APPROPRIATIONS BILL, 2018**

Omnibus Agreement Summary

Highlights of the FY2018 Commerce, Justice, Science, and Related Agencies Appropriations Bill:

The \$59.6 billion measure, which is \$3.05 billion above the FY2017 enacted level, will fund federal law enforcement agencies, state and local law enforcement grants, space exploration, basic science research, economic development programs, trade enforcement, and ocean observations and weather forecasting.

DEPARTMENT OF COMMERCE

The bill funds the U.S. Department of Commerce at \$11.1 billion, \$1.9 billion more than FY2017, to focus on core economic development activities, protecting intellectual property rights, strengthening trade enforcement, advancing cybersecurity research, and improving severe weather forecasting.

Economic Development Administration (EDA) – \$301.5 million for the EDA, including \$117.5 million for its Public Works program, \$17.5 million over the FY2017 enacted level, to support brick-and-mortar projects in economically distressed communities across the country. Increased funding is also targeted to expand broadband infrastructure and access to unserved areas of the country. The bill also provides \$30 million in grants to assist troubled coal mining communities.

U.S. Patent and Trademark Office (USPTO) – \$3.5 billion for USPTO, which is the full amount of offsetting fee collections estimated by the Congressional Budget Office for FY2018. This funding will allow USPTO to continue protecting ideas and advancing innovation of our nation’s inventors and entrepreneurs.

National Institute of Standards and Technology (NIST) – \$1.2 billion for NIST, \$247 million above the FY2017 enacted level. This amount includes a \$10 million increase over the FY2017 level for the NIST Manufacturing Extension Partnership. Targeted funding will continue to support our nation’s cybersecurity posture through cutting-edge research, expanded advanced manufacturing opportunities, and the promotion of high quality standards to maintain fairness in the marketplace. Funding for NIST includes continued support for Manufacturing USA, which fosters public-private partnerships through a network of manufacturing institutes to advance U.S. manufacturing capabilities.

National Oceanic and Atmospheric Administration (NOAA) – \$5.9 billion, \$234 million above the FY2017 enacted level. The bill provides full funding for NOAA’s flagship weather satellites, which are critical for accurate weather warnings to protect lives and

property. Increased funding is provided for the National Weather Service to address failing infrastructure at its Weather Forecast Offices across the country. Furthermore, the bill provides funding to procure an additional Hurricane Hunter to provide backup for future hurricane reconnaissance missions.

In addition, the bill includes increased funding for our nation's fisheries. This includes continued support for more accurate and agency-independent data, and language allowing NOAA to experiment with alternative management regimes. Provisions in the bill will help expand opportunities for American commercial and recreational fishermen. Increased funding for NOAA also supports the agency's core missions and programs, including: hydrographic charting, the National Sea Grant College program, the National Estuarine Research Reserve System, and the Integrated Ocean Observing System, among others. Funding is also included to continue NOAA's fleet recapitalization to replace the agency's oldest research vessels.

Bureau of the Census – \$2.8 billion, \$1.3 billion above the FY2017 enacted level. The bill provides the 2020 Census a level of funding that is in line with the recent independent cost estimate done by the Department of Commerce to maintain ongoing efforts and allow for adequate preparation for the decennial census.

DEPARTMENT OF JUSTICE

The bill funds the Department of Justice (DOJ) at \$30.3 billion, \$1.3 billion above the FY2017 enacted level. The constantly-changing landscape of criminal activity at home and abroad tests the DOJ's ability to deal with emerging threats. The bill ensures that federal law enforcement agencies work together to focus limited resources in a manner that safeguards taxpayer dollars while preserving public safety.

Executive Office for Immigration Review (EOIR) – The bill provides \$504.5 million for EOIR, \$64.5 million above the FY2017 enacted level, which includes funding for at least 100 new Immigration Judge (IJ) Teams to help reduce the extensive and growing backlog of pending immigration cases. EOIR is directed to accelerate and continue the hiring process for new IJs, with a goal of fielding 484 IJ teams nationwide by 2019, and also to continue detailed monthly reporting regarding its case backlog and the IJ hiring process.

Federal Bureau of Investigation (FBI), Salaries and Expenses – \$9.03 billion, a \$263 million increase above the FY2017 enacted level. Within funding provided, the FBI is expected to enhance its investigative and intelligence efforts related to terrorism, national security, human trafficking, and cyber threats, while also enforcing U.S. criminal laws. The bill directs the FBI to ensure full funding for the operations of the National Instant Criminal Background Check System (NICS), and to review protocols associated with communication and information sharing between the Public Access Line and FBI field offices.

Drug Enforcement Administration (DEA) – \$2.61 billion, a \$124 million increase above the FY2017 enacted level. This funding will allow the DEA to enforce the controlled substances laws and regulations of the United States. In order to specifically meet the rising threats from

heroin, fentanyl, and other opioids, additional funding is included to: expand opioid and heroin enforcement efforts, including supporting existing heroin enforcement teams and establishing new ones; invest in the Fentanyl Signature Profiling Program and law enforcement safety; and accelerate efforts to dismantle transnational criminal organizations and cartels. The agreement also provides not less than \$10 million for DEA to perform methamphetamine lab cleanup.

United States Marshals Service (USMS) – \$2.9 billion, including: \$1.54 billion for federal prisoner detention expenses and \$53.4 million for construction related to prisoner holding needs in the top 10 priority facilities in the nation. Funding is provided to support the \$12 million request for life and safety equipment and training. Additional funding is provided to meet the growing workload associated with increasing law enforcement initiatives, enhancing enforcement of laws related to international travel of sex offenders, and expanding the regional fugitive task force program.

U.S. Attorneys – \$2.14 billion to fund the Executive Office for United States Attorneys and the 94 U.S. Attorneys' offices. Within the funding provided, \$4.9 million is allocated above the request level for cybercrime prosecution and training of Assistant U.S. Attorneys, including for intellectual property rights violations and child pornography, and \$2.5 million to support criminal and civil drug diversion prosecution related to opioids. The agreement also includes funding at no less than the FY2017 level for Adam Walsh Act investigations and prosecutions, investigations and prosecutions of mortgage and financial fraud, and civil rights enforcement. Remaining funds above the request level shall be allocated to districts with the highest demonstrable workload, and should include additional prosecutors for both human and opioid trafficking cases.

Federal Prison System – \$7.28 billion for the Bureau of Prisons (BOP) for federal prison system operations. The agreement provides \$162 million for the construction, acquisition, modernization, maintenance, and repair of prison and detention facilities housing federal inmates, with additional funding above the request included for the highest priority deferred maintenance and repair projects. The agreement also directs BOP to offer Immigration and Customs Enforcement (ICE) the first opportunity to take into custody and remove individuals with pending federal detainers in order to preclude BOP from automatically deferring to states and municipalities that may be unwilling to cooperate with federal authorities on ICE detainers.

Law Enforcement Grant Programs – \$2.9 billion for DOJ State and Local Law Enforcement Activities, including the Office on Violence Against Women, juvenile justice programs, and community crime prevention grant programs. The bill contains \$330 million to fund the Comprehensive Addiction and Recovery Act of 2016 (CARA) grant program, a \$227 million increase over FY2017, and \$32 million for Community Oriented Policing Services' (COPS) anti-heroin task forces grants. Overall, a \$299.5 million increase in grant funding is provided above the FY2017 level to combat the opioid and heroin crisis. The bill also contains \$415.5 million for Byrne Justice Assistance Grants (JAG) and \$177.5 million for initiatives to address rape kit and other DNA evidence backlogs. DOJ is directed to require all applicants for Byrne-JAG, COPS, and State Criminal Alien Assistance Program (SCAAP) grants to certify that they are in compliance with all applicable federal laws, including immigration laws.

Crime Victims Fund (CVF) – The bill provides a \$4.4 billion distribution from the CVF in FY2018, which is \$1.9 billion above FY2017. This amount will result in a distribution for victim service programs that surpasses the three-year average of collections into the fund based on the Congressional Budget Office’s most recent estimate.

SCIENCE

National Aeronautics and Space Administration (NASA) – \$20.7 billion for NASA, \$1.1 billion above the FY2017 enacted level and \$1.6 billion above the budget request, to support the human and robotic exploration of space, fund science missions that enhance the understanding of the Earth, the solar system, and the universe, and support fundamental aeronautics research. This includes:

- \$2.15 billion for the Space Launch System (SLS), which is \$212 million above the request. The funding continues the development schedule for SLS, and provides \$300 million in critical funding for upper stage engine work for future crewed missions, and includes \$350 million for a second mobile launch platform, which was recommended by NASA’s Aerospace Safety Advisory Panel.
- \$1.3 billion for the Orion crewed spacecraft, \$164 million above the request, to continue development of NASA’s next deep-space crewed capsule.
- \$6.2 billion for Science, \$457 million above the FY2017 enacted level and \$510 million above the request.
- \$732 million, the same as the request, to further develop a domestic crew launch capability.
- \$760 million for Space Technology, \$74 million above the FY2017 enacted level to advance projects in early stages of development that are expected to demonstrate capabilities needed for future space exploration.
- \$100 million is provided for Education programs that were proposed to be eliminated in the budget request. NASA EPSCoR is funded at \$18 million, Space Grant is funded at \$40 million, the Minority University Research and Education Project is funded at \$32 million, and STEM Education and Accountability Projects are funded at \$10 million.

National Science Foundation (NSF) – \$7.77 billion for NSF, \$295 million above the FY2017 enacted level and \$1.1 billion above the request. Funding is provided for basic research across scientific disciplines to support the development of effective Science, Technology, Engineering, and Mathematics [STEM] programs.

- \$105 million is provided for the continued design and construction of three Regional Class Research Vessels (RCRV). With three regional ships, the Gulf of Mexico and the East and West coasts will be able to have a dedicated RCRV to maximize research time in each of these regions.
- \$171 million is provided for the Established Program to Stimulate Competitive Research (EPSCoR), \$11 million above the FY2017 enacted level and \$71 million above the request.

RELATED AGENCIES

Legal Services Corporation (LSC) – \$410 million for the LSC, which is \$25 million above the FY2017 enacted level. LSC uses a grant process to provide civil legal aid in high-need areas across the United States.

International Trade Commission (ITC) – \$94 million for the ITC, which is \$2.2 million above the FY2017 enacted level. Increased funding will support trade enforcement activities, including support for the review of citizen petitions for miscellaneous tariffs as directed in the American Manufacturing Competitiveness Act of 2016.

Office of U.S. Trade Representative (USTR) – \$72.6 million for USTR, an increase of \$10.6 million above the FY2017 enacted level. The agreement provides \$57.6 million in direct funding for USTR. An additional \$15 million is provided from the Trade Enforcement Trust Fund, established by the Trade Facilitation and Trade Enforcement Act of 2015, to carry out activities that are critical to our nation’s trade interests.

OVERSIGHT AND ACCOUNTABILITY

The measure includes provisions that ensure accountability and oversight of funds within this bill, including:

- Requires the Inspectors General to conduct random audits of grant funding to combat waste and fraud.
- Establishes an early warning system on cost overruns and requires agencies to notify the Committee when costs grow more than 10 percent.
- Prohibits grants and contracts to tax cheats.
- Requires agencies to report conference spending to the Inspectors General.
- Requires all departments and agencies to link all contracts that provide award fees to successful acquisition outcomes, and prohibits funds to pay for award or incentive fees for contractors with below satisfactory performance.
- Requires each agency to report on all efforts made to address the duplication identified by the annual Government Accountability Office duplication reports, along with identifying substantive challenges and legal barriers that could help the agency further reduce duplication.
- Maintains provisions prohibiting the transfer of detainees held at Guantanamo Bay.
- Prohibits funds for information technology acquisitions, unless the acquiring department or agency has assessed the technology’s supply chain risk to avoid foreign malware.

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