

Commerce, Justice, Science Appropriations Bill, 2017 Omnibus Agreement Summary

Highlights of the FY2017 Commerce, Justice, Science and Related Agencies Appropriations Bill:

The \$56.5 billion measure, which is \$833 million above the FY2016 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. The bill is \$434 million below the President's FY2017 budget request when compared to true spending without scorekeeping adjustments.

Department of Commerce

The bill funds the U.S. Department of Commerce at \$9.2 billion, a \$8.7 million decrease from FY2016, 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) – \$276 million for the EDA, including \$100 million for its Public Works program, to support fundamental brick-and-mortar projects in economically distressed communities across the country. The bill also provides \$30 million in grants to assist troubled coal mining communities.

U.S. Patent and Trademark Office (USPTO) – \$3.2 billion for USPTO, which is the full amount of offsetting fee collections estimated by the Congressional Budget Office for FY2017. 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) – \$952 million for NIST, \$12 million below the FY2016 enacted level. Targeted funding will continue to support our nation's cybersecurity posture through cutting-edge research, expand opportunities in the areas of advanced manufacturing, and promote high quality standards to maintain fairness in the marketplace. Funding for NIST includes continued support for the National Network for Manufacturing Innovation (NNMI). The NNMI delivers research and partnership opportunities with the private sector through a network of manufacturing institutes to improve advanced manufacturing processes.

National Oceanic and Atmospheric Administration (NOAA) – \$5.68 billion, \$90 million below FY2016 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.

Furthermore, the bill maintains funding investments for fisheries management, including the testing and implementation of new technologies to expand opportunities for American commercial and recreational fishermen. Funding is also included to allow NOAA to execute its fleet recapitalization plan, which is a strategic plan to replace the agency's oldest research vessels.

Bureau of the Census – \$1.47 billion, an increase of \$100 million above the FY2016 enacted level. The bill directs the Census Bureau to continue its efforts to hold the costs of the 2020 Census lower than the 2010 Census, and to maintain its focus on activities that will make such savings possible.

Department of Justice

The bill funds the U.S. Department of Justice (DOJ) at \$28.9 billion, \$142 million below the FY2016 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 funds EOIR as a separate, stand-alone account for the first time and provides \$440 million, which includes funding for 10 new Immigration Judge (IJ) Teams to help reduce the extensive backlog of pending immigration cases. EOIR is directed to accelerate and continue the hiring process for new IJs previously funded in FY2016, to complete modernization of mission-critical systems and improvements in infrastructure, to continue detailed monthly reporting regarding its case backlog and the IJ hiring process, and to provide a separate report on visa overstay cases.

Federal Bureau of Investigation (FBI) – \$9 billion, a \$208 million increase above the FY2016 enacted level. This funding will enable the FBI to protect and defend against terrorist and foreign intelligence threats while also enforcing U.S. criminal laws. The funding includes a \$61 million increase for cybersecurity activities to neutralize, mitigate, and disrupt illegal computer-supported operations. The bill also provides \$79 million for the Innocent Images National Initiative to target and investigate sexual predators on the Internet.

Drug Enforcement Administration (DEA) – \$2.49 billion, a \$34 million increase above the FY2016 enacted level. This funding will allow the DEA to enforce the controlled substances laws and regulations of the United States, including increased efforts to fight the opioid abuse crisis, with \$12.5 million provided for the creation of four new law enforcement groups concentrated on targeting, disrupting, and dismantling heroin trafficking.

United States Marshals Service (USMS) – \$2.71 billion, including: \$1.45 billion for federal prisoner detention expenses; \$61.3 million to continue Adam Walsh Act enforcement to apprehend fugitive convicted sex offenders who fail to register, along with direction to enhance implementation and enforcement of the International Megan’s Law relating to international travel of sex offenders; direction to expand the Regional Fugitive Task Force program (RFTFs), with \$5 million set-aside for the operation of anti-gang investigative units within the RFTFs.

U.S. Attorneys – \$2.04 billion to fund the Executive Office for United States Attorneys and the 94 U.S. Attorneys’ offices. Within the funding provided, DOJ is directed to enhance efforts to combat cybercrime (including intellectual property rights violations and child pornography); drug trafficking (including opioids and prescription drugs); civil rights violations (including sex and labor trafficking); and child sexual exploitation. Furthermore, the agreement also directs DOJ to use its statutory authority to investigate and prosecute violations of federal criminal immigration laws associated with improper entry or illegal reentry following deportation.

Federal Prison System – \$7.14 billion for the Bureau of Prisons (BOP) for federal prison system operations. This funding would continue efforts to sustain additional correctional officers for high-security institution housing units to address unsafe environments for correctional officers and other BOP staff. 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 – \$2.4 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 \$103 million to fund the recently authorized Comprehensive Addiction and Recovery Act of 2016 (CARA) grant program, which consolidated and expanded existing grant programs to combat opioid abuse, and \$10 million for Community Oriented Policing Services’ (COPS) anti-heroin task forces grants. The bill also contains: \$403 million for Byrne Justice Assistance Grants (JAG), including \$27 million to reimburse State and local law enforcement agencies for the provision of pre-Inauguration Presidential security, and \$170 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 \$2.573 billion distribution from the CVF in FY2017, which is \$573 million above the request. This amount will result in a distribution for victim service programs that equals 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) – \$19.7 billion for NASA, a \$368 million increase above the FY2016 enacted level, 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), \$150 million above the FY2016 enacted level. The SLS is the nation’s launch vehicle which will enable humans to explore space beyond our current capabilities. The funding maintains the current schedule for the first launch of SLS, and also provides critical funding for upper stage engine work for future crewed missions.
- \$1.35 billion for the Orion crewed spacecraft, \$80 million above the FY2016 enacted level. Orion is NASA’s crewed vehicle that is being designed to take astronauts to destinations farther than ever before, including Mars.
- \$5.7 billion for Science, \$176 million above the FY2016 enacted level and \$462 million above the request. This funding encompasses missions from Earth to the moon, throughout the solar system, and the far reaches of the universe.
- Up to \$1.18 billion for International Space Station (ISS) commercial crew capabilities, which is the same as the FY2017 request level. This funding continues ongoing development of privately-owned crewed vehicles, which once developed and fully tested, will end the United States’ reliance on Russia for transporting American astronauts to and from the ISS.
- \$687 million for Space Technology, the same amount as the FY2016 enacted level, including funding to advance projects that are early in development that will eventually demonstrate capabilities needed for future space exploration.
- \$361 million for Construction, \$28 million below the FY2016 enacted level. Separate from this amount, an additional \$109 million is provided as emergency funding for necessary repairs for NASA facilities damaged by recent natural disasters.

National Science Foundation (NSF) – \$7.5 billion, \$8.7 million above the FY2016 enacted level. Funding is provided for basic research across all scientific disciplines and to support the development of effective Science, Technology, Engineering, and Mathematics [STEM] programs, and grow the next generation of scientists.

- \$122 million is provided under the Major Research Equipment and Facilities Construction account for three Regional Class Research Vessels. These three ships will allow NSF to replace aging ships with newer vessels that will increase at-sea research time to meet anticipated needs. The ships will be dedicated to operations for the U.S. East Coast, West Coast, and Gulf of Mexico.

Related Agencies

Legal Services Corporation (LSC) – \$385 million for the LSC, which is the same as the FY2016 enacted level.

International Trade Commission (ITC) – \$91.5 million for the ITC, which is \$3 million above the FY2016 enacted level. Increased funding will support trade enforcement activities, including necessary findings for citizen petitions for miscellaneous tariffs as directed in the American Manufacturing Competitiveness Act of 2016.

Office of U.S. Trade Representative (USTR) – \$62 million for USTR, an increase of \$7.5 million over FY2016 enacted. Additionally, the bill enables USTR to derive up to \$15 million 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 Committees when costs grow more than 10 percent.
- Prohibits grants and contracts to tax cheats and companies with felony criminal convictions.
- Prohibits first class or premium air travel in contravention of federal regulations.
- Requires agencies to report conference spending to the Inspectors General and prohibits the use of funds for certain banquets and conferences.
- Caps costs for major acquisition projects to prevent cost overruns and provide triggers to let the Committee know early when problems arise.
- Prohibits funds for information technology acquisitions, unless the acquiring department or agency has assessed the technology’s supply chain risk to avoid foreign malware.
- 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.
- Maintains provisions prohibiting the transfer of detainees held at Guantanamo Bay.

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