



BROOKS BAWDEN LLC

Special Update

March 26, 2018

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Links to Bill Documents:

- [Omnibus Bill Text](#)
- [CJS Conference Report](#)
- [Homeland Security Conference Report](#)
- [ONDCP Conference Report](#)
- [DOD Conf. Report](#)

Links to other Documents:

- [FY 2019 WH Budget Summary](#)
- [FY 2017 Homeland Grants Allocations](#)

Fiscal Year 2018 Consolidated Appropriations Act (H.R. 1625)

The fiscal year (FY) 2018 Omnibus Appropriations bill provides discretionary funding for the federal government for the current fiscal year. The bill includes all 12 annual Appropriations bills through the end of the fiscal year, September 30, 2018. This bill includes a significant increase in funding for defense programs, and some additional money for border security. There is also additional funding for election security measures. The justice and homeland security grants fared well by receiving slight increases over the FY 2017 levels.

Status:	Passed	Signed into	
	House	Law	
	3/22/18	3/23/18	3/23/18
		Passed	
		Senate	

Overall Key Policy Riders / Statements

Restriction on Changes/Reprogramming of Program Funding - Sec. 740. None of the funds made available in this or any other appropriations Act may be used to increase, eliminate, or reduce funding for a program, project, or activity as proposed in the President's budget request for a fiscal year until such proposed change is subsequently enacted in an appropriation Act, or unless such change is made pursuant to the reprogramming or transfer provisions of this or any other appropriations Act. (NOTE: This provision restricts the Administration from eliminating, defunding, or moving a program/agency unless explicitly authorized.)

Authorization Legislation

Multiple authorization bills were attached to the FY 2018 omnibus appropriations bill. The bill includes the Stop School Violence Act (provides authorization for funding for school safety initiatives), Fix NICS Act (applies penalties to government agencies for not reporting to NICS), and the CLOUD Act (provides a legal framework for law enforcement to request data from overseas servers).

Stop School Violence Act

View bill text [here](#).

Summary: The Secure Our Schools program would be reauthorized at \$100 million annually for FY 2019 through FY 2028. Bureau of Justice Assistance (BJA) grants would cover training for school personnel and students, developing anonymous reporting systems, and operating threat assessment teams. Office of Community Oriented Policing Services (COPS) would cover

local law enforcement coordination and training, installing metal detectors, and acquiring technology for expedited notification to law enforcement during emergencies.

Fix NICS Act

View bill text [here](#).

Summary: This bill would strengthen the National Instant Criminal Background Check System. Federal agencies would be required to provide semiannual certifications to DOJ that they are submitting relevant records to NICS. Each federal agency would have to establish an implementation plan to increase reporting and verify the accuracy of their records. DOJ would also have to coordinate with state and tribal governments to establish similar implementation plans to maximize information sharing and to verify the accuracy of records. The DOJ would publish information online regarding states and tribes that don't achieve substantial compliance with the implementation plan until they do. The bill also gives preference for all BJA discretionary grant applications from states or tribes that have complied with the plans.

CLOUD Act

View bill text [here](#).

Summary: This bill would require U.S. online service providers, such as cloud storage and webmail sites, to comply with federal requirements to preserve and disclose records. It would include the content of communications within their control, even if the information is stored outside of the U.S. The measure also allows the U.S. to enter into bilateral data access agreements with other countries to give law enforcement agencies easier access to information.

***Note:** Chart items in red & right justified are carveouts under a larger program. The amount listed in red is drawn from the program funding above it in black.

Justice Programs Funding

The FY 2018 Omnibus Appropriations Act funds the Department of Justice at \$29.9 billion, \$1.3 billion above FY 2017 levels. The bill allocates \$2.9 billion for state and local law enforcement and crime prevention grant programs. The bill includes a \$10.5 million increase for the Violence Against Women account, a \$30 million increase for the State Criminal Alien Assistance Program, and \$415.5 million for Byrne Justice Assistance Grants. Additionally, the bill includes a \$2989.5 million increase for grant programs to address the opioid abuse epidemic. The FY 2018 bill also provides \$22.5 million for the bulletproof vest program, and \$10 million for VALOR and the Police Act.

Key Policy Riders / Statements

Medical Marijuana Rider - Prohibits the Department of Justice from preventing certain *States from implementing State laws regarding the use of medical marijuana. (*Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, or with respect to the District of Columbia, Guam, or Puerto Rico)

Community Oriented Policing Services				
Program	FY 2017 Enacted	FY 2018 WH Budget Request	FY 2018 Omnibus	FY 2019 WH Budget Request
COPS Hiring Grants	\$194,500,000	\$207,000,000	\$225,500,000	(See SLLEA)
Tribal Resources Grant Program	(*See Note Below)	(\$30,000,000)	(\$30,000,000)	(See SLLEA)
Community Policing Development/Training and Technical Assistance	(\$5,000,000)	(\$10,000,000)	(\$10,000,000)	(See SLLEA)
Collaborative Reform Model	(\$10,000,000)	(\$10,000,000)		(See SLLEA)
Regional Information Sharing Activities	(\$35,000,000)	(See Other)	(\$36,000,000)	(See SLLEA)
Police Act	(\$7,500,000)		(See Below)	
COPS minus carveouts	\$137,000,000	\$157,000,000	\$149,500,000	(See SLLEA)
Transfer to DEA for Methamphetamine Lab Clean-ups	\$10,000,000	\$11,000,000		
Anti-Methamphetamine Task Forces	\$7,000,000	\$0	\$8,000,000	
Anti-Heroin Task Forces	\$10,000,000	\$0	\$32,000,000	
Police Act	(See Above)		\$10,000,000	

State & Local Law Enforcement Assistance				
Program	FY 2017 Enacted	FY 2018 WH Budget Request	FY 2018 Omnibus	FY 2019 WH Budget Request
Byrne Memorial Justice Assistance Grants	\$403,000,000	\$332,500,000	\$415,500,000	\$332,500,000
VALOR Initiative	(\$7,500,000)	(\$15,000,000)	(\$10,000,000)	(\$15,000,000)
Domestic Radicalization Research	(See Other - NIJ)	(\$4,000,000)	(See Other - NIJ)	(\$4,000,000)
Smart Policing	(\$5,000,000)	(\$5,000,000)	(\$5,000,000)	(See Below)
Smart Prosecution	(\$2,500,000)	(\$4,000,000)	(\$2,500,000)	
National Missing and Unidentified Person System	(\$2,400,000)		(\$2,400,000)	(\$2,400,000)
Improved Police Responses to the Mentally Ill	(\$2,500,000)	(See Below)	(\$2,500,000)	
Violent Gang and Gun Crime Reduction	(\$6,500,000)	(See PSN)	(\$20,000,000)	(See PSN)
John R. Justice Grant Program	(\$2,000,000)	\$0	(\$2,000,000)	\$0
Capital Litigation and Wrongful Conviction Review	(\$2,500,000)	(See Below)		
Prison Rape Prevention and Prosecution	(\$10,500,000)	(See Below)	(\$15,500,000)	(See Below)
Pre-inauguration presidential security	(\$27,000,000)	---	---	
Body worn camera partnership initiative	(See Com Trust)	(\$22,500,000)	(See Com Trust)	(\$22,500,000)
Bulletproof Vests Partnerships	(See below)	(\$21,000,000)	(See below)	(\$22,500,000)
Transfer to NIST/OLES	(See below)	(\$1,500,000)	(See below)	
Emergency Law Enforcement Assistance			(\$16,000,000)	
Technical and Related Assistance for Violent Crime				(\$5,000,000)
Byrne JAG minus carveouts	\$334,600,000	\$259,500,000	\$339,600,000	\$261,000,000
State Criminal Alien Assistance Program	\$210,000,000	\$0	\$240,000,000	\$0
Victims of Trafficking Grants	\$45,000,000	\$45,000,000	\$77,000,000	\$45,000,000
Drug Courts	(See Opioid Init)	\$40,000,000	(See Opioid Init)	\$43,000,000
Mentally Ill Offender Act	(See Opioid Init)	\$10,000,000	(See Opioid Init)	\$10,000,000
Residential Substance Abuse Treatment	(See Opioid Init)	\$12,000,000	(See Opioid Init)	\$12,000,000
Capital Litigation and Wrongful Conviction Review	(See Byrne)	\$2,500,000	\$3,000,000	

Program	FY 2017 Enacted	FY 2018 WH Budget Request	FY 2018 Omnibus	FY 2019 WH Budget Request
Economic, High-tech, White Collar and Cybercrime Prevention	\$13,000,000	\$11,000,000	\$14,000,000	\$11,000,000
Intellectual Property Enforcement Program	(\$2,500,000)		(\$2,500,000)	
Cybercrime Prosecutor Pilot Program	(\$1,000,000)		(\$1,000,000)	
Digital Investigation Education Program			(\$1,000,000)	
Adam Walsh Act Implementation	\$20,000,000	\$20,000,000	\$20,000,000	\$20,000,000
Children Exposed to Violence Initiative	---	\$8,000,000		\$8,000,000
Bulletproof Vests Partnerships	\$22,500,000	(See Byrne)	\$22,500,000	(See Byrne)
Transfer to NIST/OLES	(\$1,500,000)	(See Byrne)	(\$1,500,000)	
National Sex Offender Public Website	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Project Safe Neighborhoods (PSN) Block Grants	---	\$70,000,000	---	\$70,000,000
National Instant Criminal Background Check System (NICS) Initiative	\$73,000,000	\$68,000,000	\$75,000,000	\$61,000,000
NICS Act Record Improvement Program	(\$25,000,000)	(\$15,000,000)	(\$25,000,000)	
Paul Coverdell Forensic Science	\$13,000,000	\$13,000,000	\$30,000,000	\$10,000,000
National Missing and Unidentified Person System		(\$2,400,000)		
DNA Initiative	\$125,000,000	\$105,000,000	\$130,000,000	\$105,000,000
Debbie Smith DNA Backlog Grants	(\$117,000,000)	(\$97,000,000)	(\$120,000,000)	(\$97,000,000)
Kirk Bloodsworth Post-Conviction DNA Testing Grants	(\$4,000,000)	(\$4,000,000)	(\$6,000,000)	(\$4,000,000)
Sexual Assault Forensic Exam Program Grants	(\$4,000,000)	(\$4,000,000)	(\$4,000,000)	(\$4,000,000)
Community Teams to Reduce the Sexual Assault Kit (SAK) Backlog	\$45,000,000	\$45,000,000	\$47,500,000	\$45,000,000
CASA—Special Advocates	\$9,000,000	\$9,000,000	\$12,000,000	\$9,000,000
Tribal Assistance	(*See Note Below)		\$35,000,000	
Second Chance Act/Offender Reentry	\$68,000,000	\$48,000,000	\$85,000,000	\$48,000,000
Smart Probation	(\$6,000,000)	(\$6,000,000)	(\$6,000,000)	(\$6,000,000)
Children of Incarcerated Parents Demo Grants	(\$5,000,000)	(\$5,000,000)	(\$5,000,000)	(\$5,000,000)
Pay for Success	(\$7,500,000)	(\$7,500,000)	(\$7,500,000)	(\$7,500,000)
Pay for Success (Permanent Supportive Housing Model)			(\$5,000,000)	
Project HOPE Opportunity Probation with Enforcement	(\$4,000,000)	(\$4,000,000)	(\$4,000,000)	
Veterans Treatment Courts	(See Opioid Init)	\$6,000,000	(See Opioid Init)	\$6,000,000
Prescription Drug Monitoring	(See Opioid Init)	\$12,000,000	(See Opioid Init)	\$12,000,000
Prison Rape Prevention and Prosecution	(See Byrne)	\$15,500,000	(See Byrne)	\$15,500,000
Comprehensive School Safety Initiative	\$50,000,000	\$20,000,000	\$75,000,000	\$0
Justice Reinvestment Initiative	(See Com. Trust Int.)	\$22,000,000	(See Com. Trust Int.)	\$0
Violent Crime Initiative		\$5,000,000		
Comprehensive Opioid Abuse Grant Program	(See Opioid Init)	\$20,000,000	(See Opioid Init)	\$20,000,000
Community Trust Initiative	\$65,000,000	---	\$65,000,000	
Body worn camera partnership initiative	(\$22,500,000)	(See Byrne)	(\$22,500,000)	(See Byrne))
Justice Reinvestment Initiative	(\$25,000,000)	(See Above)	(\$25,000,000)	\$0
Byrne Criminal Justice Innovation Program	(\$17,500,000)	---	(\$17,500,000)	\$0

Program	FY 2017 Enacted	FY 2018 WH Budget Request	FY 2018 Omnibus	FY 2019 WH Budget Request
Opioid Initiative	\$103,000,000		\$330,000,000	
Drug Courts	(\$17,500,000)	(See Above)	(\$75,000,000)	(See Above)
Veterans Treatment Courts	(\$7,000,000)	(See Above)	(\$20,000,000)	(See Above)
Residential Substance Abuse Treatment	(\$14,000,000)	(See Above)	(\$30,000,000)	(See Above)
Prescription Drug Monitoring	(\$14,000,000)	(See Above)	(\$30,000,000)	(See Above)
Mentally Ill Offender Act	(\$12,000,000)	(See Above)	(\$30,000,000)	(See Above)
Other Comprehensive Addiction and Recovery Act activities	(\$13,000,000)	(See Opioid Grant)	(\$145,000,000)	(See Opioid Grant)
COPS Hiring Grants	(See COPS)	(See COPS)	(See COPS)	\$99,000,000
Smart Policing	(See Byrne)	(See Byrne)	(See Byrne)	(\$5,000,000)
Regional Information Sharing Activities	(See COPS)	(See Other)	(See COPS)	(\$10,000,000)
Tribal Resources Grant Program	(See COPS)	(See COPS)	(See COPS)	(\$10,000,000)
Community Policing Development/Training and Technical Assistance	(See COPS)	(See COPS)	(See COPS)	(\$5,000,000)
Collaborative Reform Model	(See COPS)	(See COPS)		(\$5,000,000)
COPS minus carveouts	(See COPS)	(See COPS)	(See COPS)	\$64,000,000

Juvenile Justice Programs				
Program	FY 2017 Enacted	FY 2018 WH Budget Request	FY 2018 Omnibus	FY 2019 WH Budget Request
Part B - State Formula Grants	\$55,000,000	\$58,000,000	\$60,000,000	\$58,000,000
Emergency Planning - Juvenile Detention Facilities	(\$500,000)	(\$500,000)	(\$500,000)	(\$500,000)
Youth Mentoring Grants	\$80,000,000	\$58,000,000	\$94,000,000	\$58,000,000
Title V - Delinquency Prevention Incentive Grants	\$14,500,000	\$17,000,000	\$27,500,000	\$17,000,000
Tribal Youth	(*See Note Below)		(\$5,000,000)	
Gang & Youth Violence Education & Prevention	(\$4,000,000)	(\$5,000,000)	(\$4,000,000)	(\$5,000,000)
Community-Based Violence Prevention Initiatives	(\$8,000,000)		(\$8,000,000)	
Children of Incarcerated Parents Web Portal	(\$500,000)	(\$500,000)	(\$500,000)	(\$500,000)
Girls in the Justice System	(\$2,000,000)	(\$2,000,000)	(\$2,000,000)	(\$2,000,000)
Opioid Affected Youth Initiative			(\$8,000,000)	
Victims of Child Abuse Programs	\$21,000,000	\$20,000,000	\$21,000,000	\$20,000,000
Community-Based Violence Prevention Initiatives	(See Title V)	(See Title V)	(See Title V)	
Missing & Exploited Children Programs	\$72,500,000	\$72,000,000	\$76,000,000	\$72,000,000
Training for Judicial Personnel	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000
Children of Incarcerated Parents Web Portal	(See Title V)		(See Title V)	(See Title V)
Girls in the Justice System	(See Title V)	(See Title V)	(See Title V)	(See Title V)
Improving Juvenile Indigent Defense	\$2,000,000	\$2,500,000	\$2,000,000	\$2,500,000

* In lieu of providing base funding for Tribal Assistance, Tribal Youth, and Tribal Resources Grant Program, permits up to 7 percent of certain grant and reimbursement program funds made available to the Office of Justice Programs and Community Oriented Policing Services programs to be used for tribal criminal justice assistance.

Other Justice Items				
Agency/Program	FY 2017 Enacted	FY 2018 WH Budget Request	FY 2018 Omnibus	FY 2019 WH Budget Request
Regional Information Sharing Activities	(See COPS)	\$30,000,000	(See COPS)	(See SLLEA)
Bureau of Justice Statistics	\$45,500,000		\$48,000,000	\$41,000,000
NCS-X Implementation Program	(\$5,000,000)		(\$5,000,000)	
National Institute of Justice	\$39,500,000		\$42,000,000	\$36,000,000
Domestic Radicalization Research	(\$4,000,000)	(See Byrne)	(\$4,000,000)	
Federal Bureau of Investigation	\$8,767,201,000	\$8,722,582,000	\$9,030,202,000	\$8,872,080,000
Drug Enforcement Administration	\$2,485,638,000	\$2,164,051,000	\$2,609,900,000	\$2,187,459,000
High Intensity Drug Trafficking Areas Program	(See ONDCP)	(See ONDCP)	(See ONDCP)	\$254,000,000
US Marshals Service	\$1,249,040,000	\$1,252,000,000	\$1,311,492,000	\$1,270,371,000
Alcohol, Tobacco, Firearms & Explosives	\$1,258,600,000	\$1,273,776,000	\$1,293,776,000	\$1,316,678,000

Homeland Security Programs Funding

The FY 2018 Omnibus Appropriations bill funds the Department of Homeland Security at \$47.7 billion, an increase of \$1.8 billion above the FY 2017 enacted level. Funding for grant programs will increase by providing \$507 million for the State Homeland Security Grant program, and \$630 million for the Urban Area Security Initiative. This legislation includes a \$1.8 billion increase for CBP, to support its agents, officers, infrastructure, equipment, and technology needs. Additionally, it includes a \$114.6 million increase for TSA, which will provide funding for additional TSA personnel to staff checkpoints to mitigate wait times, an additional 1,047 canine teams to allow for more throughput of expedited passengers, and investments in future checkpoint technology.

Key Policy Riders / Statements

Reorganization Restrictions - Section 514. The bill continues a provision that precludes DHS from using funds in this Act to carry out reorganization authority. This prohibition is not intended to prevent the Department from carrying out routine or small reallocations of personnel or functions within components, subject to section 503 of this Act. This section prevents large-scale reorganization of the Department, which should be acted on legislatively by the relevant congressional committees of jurisdiction. Any DHS proposal to reorganize components that is included as part of a budget request will be considered by the Committees.

Homeland Security Programs				
Program	FY 2017 Enacted	FY 2018 WH Budget Request	FY 2018 Omnibus	FY 2019 WH Budget Request
State Homeland Security Grant Program	\$467,000,000	\$349,362,000	\$507,000,000	\$349,362,000
Operation Stonegarden	(\$55,000,000)		(\$85,000,000)	
Urban Area Security Initiative	\$605,000,000	\$448,844,000	\$630,000,000	\$448,844,000
Nonprofit Security Grants	(\$25,000,000)		(\$50,000,000)	
Port Security Grants	\$100,000,000	\$47,809,000	\$100,000,000	\$36,358,000
Public Transportation Security/Railroad Security	\$100,000,000	\$47,809,000	\$100,000,000	\$36,358,000
Competitive Preparedness Grant Program				\$522,000,000

*Allocation of 25% of a state's combined State Homeland Security Program and UASI funds for Law Enforcement Terrorism Prevention activities remains a statutory requirement under the Implementing Recommendations of the 9/11 Commission Act of 2007.

Agency	FY 2017 Enacted	FY 2018 WH Budget Request	FY 2018 Omnibus	FY 2019 WH Budget Request
Customs and Border Protection	\$11,175,449,000	\$11,592,341,000	\$11,485,164,000	\$12,119,643,000
Immigration & Customs Enforcement	\$6,405,440,000	\$7,512,563,000	\$6,993,975,000	\$7,972,099,000
Transportation Security Administration	\$7,105,047,000	\$7,018,165,000	\$7,207,851,000	\$7,075,950,000
United States Secret Service	\$1,879,463,000	\$1,879,346,000	\$1,915,794,000	\$2,084,308,000
National Protection and Programs Directorate	\$1,372,268,000	\$1,455,275,000	\$1,482,165,000	\$1,470,340,000

ONDCP Programs Funding

The FY 2018 Appropriations bill provides \$415.5 million for the Office of Drug Control Policy, with \$280 million for the High Intensity Drug Trafficking Areas (HIDTA) Program, and \$117.1 million for other federal drug control programs. The bill denies the President's proposed cuts to HIDTA and Drug-Free Communities programs, and instead increases funding for HIDTA by \$26 million above the fiscal year 2017 enacted level.

Office of National Drug Control Policy				
Program	FY 2017 Enacted	FY 2018 WH Budget Request	FY 2018 Omnibus	FY 2019 WH Budget Request
High Intensity Drug Trafficking Areas Program	\$254,000,000	\$246,525,000	\$280,000,000	(Moved to DEA)
Drug Free Communities Program	\$97,000,000	\$91,819,000	\$99,000,000	(Moved to HHS)
Training	(\$2,000,000)	(\$2,000,000)	(\$2,000,000)	
Drug Court Training and Technical Assistance	\$2,000,000		\$2,000,000	
Discretionary Grants under PL 109-469, Sec 1105	\$1,250,000		\$1,250,000	

DOD Drug Interdiction & Counter-Drug Activities Programs Funding

DOD Drug Interdiction & Counter-Drug Activities				
Program	FY 2017 Enacted	FY 2018 WH Budget Request	FY 2018 Omnibus	FY 2019 WH Budget Request
Counter-Narcotic Support	\$626,087,000	\$557,648,000	\$552,648,000	\$669,000,000
Drug Demand Reduction Program	\$118,713,000	\$116,813,000	\$120,813,000	\$118,000,000
National Guard Counter-Drug Program	\$234,000,000	\$116,353,000	\$236,353,000	
National Guard Counter-Drug Schools	\$20,000,000		\$25,000,000	



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