

ALCALDE & FAY

GOVERNMENT & PUBLIC AFFAIRS



FISCAL YEAR 2018 OMNIBUS APPROPRIATIONS BILL

Last week, Congress approved a \$1.3 trillion bipartisan spending package (Consolidated Appropriations Act, 2018), which incorporates the 12 annual appropriations bills into one “Omnibus” spending bill. The Omnibus bill funds the federal government through the remainder of Fiscal Year (FY) 2018, which ends on September 30, 2018. It includes funding levels that reflect increased discretionary funding caps for FY 2018 as established by the Bipartisan Budget Act of 2018 (BBA). Despite an initial veto threat by President Trump, he signed the bill into law.

The funding levels and policy provisions of interest to public bodies has been highlighted below. Also, funding levels presented may not add up precisely to the totals due to rounding. Please let us know if you have any questions or would like additional information.

MISCELLANEOUS POLICY RIDERS

In addition to policy riders included within the specific agency-related appropriations bills in the Omnibus bill, several unrelated provisions were included to ensure bipartisan support to move the bill forward. We have outlined several significant policy “riders” below:

STOP School Violence Act of 2018

- The bipartisan STOP School Violence Act is included in the Omnibus and authorizes funding for Department of Justice (DOJ) grants that target the following primary goals as outlined by the office of bill sponsor Senator Orrin Hatch (R-UT):
 - Training to students, school personnel, and local law enforcement to identify warning signs and intervene to stop school violence before it happens;
 - Improve school security infrastructure to deter and respond to threats of school violence, including the development and implementation of anonymous reporting systems for threats of school violence;
 - Develop and operate school threat assessment and crisis intervention teams; and
 - Facilitate coordination between schools and local law enforcement.
- \$75 million in grant funds is authorized for FY 2018, as well as \$100 million in each of the next ten fiscal years; however, funding in FY 2018 comes from transfers from the DOJ’s Comprehensive School Safety Initiative.
- Language is included specifically preventing funding from being used to purchase/provide firearms or to provide firearm training.

Election Assistance Commission (EAC)

- \$380 million will be made available within 45 days via formula grants to States for “activities to improve the administration of elections for Federal office, including to enhance election technology and make election security improvements.”
- The included funds, previously authorized by the *Help America Vote Act of 2002 (HAVA)*, are aimed at facilitating critical improvements in election security and may be used to: replace voting equipment that only records a voter's intent electronically with equipment that utilizes a voter-verified paper record; implement a post-election audit system to improve confidence in the accuracy of a final vote tally; upgrade election-related computer systems to address cyber vulnerabilities identified through DHS; facilitate cybersecurity training for the state chief election official's office and local election officials; implement established cybersecurity best practices for election systems; and fund other activities to improve the security of elections for federal office.

DEPARTMENT OF AGRICULTURE

The bill provides approximately \$23 billion in discretionary spending for the Department of Agriculture, representing an increase of more than \$2 billion above the FY 2017 enacted level.

▪ ***Rural Broadband***

\$600 million for a new rural broadband pilot program, which the explanatory statement reiterates should be prioritized to those areas without broadband service, that investments in broadband shall consider “any technology that best serves the goals of broadband expansion,” and that the Department should make sure not to overbuild or duplicate existing broadband infrastructure.

▪ ***Women, Infants, and Children (WIC)***

\$6.175 billion, which is \$175 million below the FY 2017 enacted level, to help improve the health and nutritional intake of low-income pregnant, breastfeeding and postpartum women as well as infants and children until their fifth birthday. The funding level is based on USDA estimates of declining WIC enrollments and is expected to fully fund expected program needs.

▪ ***Child Nutrition Programs***

\$24.25 billion in mandatory funding for child nutrition programs, \$1.46 billion above the FY 2017 enacted level, to provide free or reduced-price school lunches and snacks for more than 30 million qualifying children.

▪ ***Supplemental Nutrition Assistance Program (SNAP)***

\$74.013 billion in mandatory spending for SNAP, which is approximately \$4.47 billion below the FY 2017 enacted level due to the declining enrollments in the past year.

DEPARTMENT OF EDUCATION

The bill funds the Department of Education at \$70.9 billion, approximately \$2.6 billion more than the FY 2017 enacted level.

- ***21st Century Community Learning Centers***

\$1.211 billion, a \$20 million increase over the FY 2017 enacted amount of \$1.191 billion, to support State and local efforts to implement academic enrichment activities before school, after school, and during the summer.

- ***Career and Technical Education State Grants (Perkins)***

\$1.192 billion, \$75 million above the FY 2017 level, in formula grants to help provide vocational-technical education programs and services to youth and adults.

- ***Promise Neighborhoods***

\$78.254 million, \$5 million more than provided in FY 2017, to provide competitive one-year planning grants and up to five-year implementation grants to community-based organizations for the development and implementation of comprehensive neighborhood programs.

- ***Adult Basic and Literacy Education***

\$616.955 million, an increase of approximately \$35 million above the FY 2017 level, for programs that provide free services for individuals who need assistance acquiring the skills to be successful in post-secondary education and training, and employment.

- ***Student Support and Academic Enrichment Grants (Title IV)***

\$1.1 billion, an increase of \$700 million above the FY 2017 enacted level, for flexible funding to states and school districts for expanding access to a well-rounded education, improving school conditions including school security, and improving the use of technology. The explanatory statement also highlights the flexible nature of the program, and that funding can be used for a “wide range of uses, including to expand access to or coordinate resources for school-based mental health services and supports, which may include trauma-informed practices and school counseling; bullying prevention; and professional development for personnel in crisis management and school-based violence prevention strategies.”

DEPARTMENT OF ENERGY

The bill provides \$34.5 billion for the Department of Energy’s security, research and energy programs, which is \$3.8 billion above the FY 2017 enacted level. Included within this amount is \$12.918 billion for DOE’s energy programs, an increase of \$1.634 billion above the FY 2017 enacted level. The bill prioritizes and increases funding for energy programs that encourage U.S. economic competitiveness and help advance the nation’s goal of an all-of-the-above solution to energy independence.

- ***Energy Efficiency & Renewable Energy (EERE)***
\$2.321 billion for the EERE program, which works with business, industry, and universities to increase the use of renewable energy and energy efficiency technologies. This total is \$231 million more than the FY 2017 allocation.
- ***Weatherization and Intergovernmental Grants***
\$306 million for the Weatherization Assistance Program and State Energy Program, approximately \$28 million more than the FY 2017 enacted.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The Omnibus bill provides approximately \$88 billion in discretionary funding for the Department of Health and Human Services, a nearly \$10 billion increase above the comparable FY 2017 level. In addition to the funding outlined below, the bill includes \$500 million for a new initiative at the National Institutes of Health (NIH), specifically within the National Institute of Neurological Disorders and Stroke (NINDS) and the National Institute on Drug Abuse (NIDA), to research opioid addiction, development of opioids alternatives, pain management, and addiction treatment.

- ***Administration for Children and Families (ACF)***
\$38.22 billion, which is \$4.2 billion above the FY 2017 enacted level, for ACF programs, including the following allocations:
 - \$3.64 billion for the Low Income Home Energy Assistance Program (LIHEAP) program, \$250 million more than the FY 2017 enacted level;
 - \$5.226 billion for the Child Care and Development Block Grant (CCDBG) program, an increase of \$2.37 billion above the FY 2017 enacted level; and
 - \$742.4 million for the Community Services Block Grant program, which represents mostly level funding with the FY 2017 level.
- ***Substance Abuse and Mental Health Services Administration (SAMHSA)***
\$5.16 billion for SAMHSA programs, approximately \$1.393 billion more than the FY 2017 level. This includes level funding of \$89 million for criminal justice activities, an increase of \$11 million above the FY 2017 level, with no less than \$70 million used for drug courts.
 - The Substance Abuse Block Grant program will receive approximately \$1.858 billion, the same as the 2017 enacted amount.
 - The Omnibus provides an additional \$160 million for the Mental Health Block Grants program, increasing the total program funding to \$722.57 million, and also continues a provision increasing the set-aside for evidence-based programs addressing early serious mental illness from 5 to 10 percent.
 - Project AWARE grants receive \$71 million, an increase of \$14 million above the FY 2017 enacted level, which provide funding to states for efforts to raise awareness of mental health issues and connect young people experiencing behavioral health issues, as well as their families, with needed services.

- The State Opioid Response Grants program is provided \$1 billion in new funding for grants to States to address the opioid crisis, with a 15 percent set-aside for States with the highest age-adjusted mortality rate related to opioid use disorders. This funding is in addition to the \$500 million provided in the 21st Century Cures Act.

- ***Administration for Community Living (ACL)***

\$2.171 billion, approximately \$178.1 million more than the FY 2017 enacted level, for ACL programs primarily for the elderly and the disabled, including \$896.75 million for Senior Nutrition programs, an increase of more \$59 million over the FY 2017 level.

- ***Community Health Centers***

\$1.626 billion in discretionary funding for Community Health Centers (CHCs), an increase of \$165 million above the FY 2017 enacted level, and combined with \$3.8 billion in mandatory spending. Of this amount, the Omnibus directs \$200 million “to expand and improve access to quality mental health and substance use disorder prevention and treatment services nationwide.”

DEPARTMENT OF HOMELAND SECURITY

The Omnibus agreement provides \$47.7 billion for the Department of Homeland Security (DHS), \$5.315 billion above the FY 2017 enacted level to fund DHS missions including border security, transportation security, immigration enforcement, and cybersecurity, among others.

- ***FEMA Federal Assistance Programs***

\$3.019 billion, approximately \$309 million more than provided in FY 2017, for State and Local Assistance and Preparedness grant programs, including, but not limited to, the following key allocations:

- State Homeland Security Grants - \$507 million, \$40 million more than the FY 2017 level, to support state and local efforts to prevent terrorism and other catastrophic events and to prepare the nation for the threats and hazards that pose the greatest risk.
- Urban Area Security Initiative - \$630 million, \$25 million more than the FY 2017 enacted level, to address the unique multi-discipline planning, organization, equipment, training, and exercise needs of high-threat, high-density Urban Areas.
- Transit and Rail Security Grants - \$100 million, identical to FY 2017, to protect critical surface transportation and the traveling public from acts of terrorism and to increase the resilience of transit and rail infrastructure.
- Assistance to Firefighters - \$700 million, which represents a \$10 million increase above the FY 2017 level, and which includes: \$350 million under the Assistance to Firefighters (AFG) program to help firefighters and other first responders to obtain critically needed equipment, protective gear, emergency vehicles, training and other resources needed

to protect the public and emergency personnel from fire and related hazards; and \$345 million under the Staffing for Adequate Fire and Emergency Response (SAFER) program to provide funding directly to fire departments and volunteer firefighter interest organizations to help them increase or maintain the number of trained, "front line" firefighters available in their communities.

- Emergency Management Performance Grants (EMPG) - \$350 million, identical to FY 2017, to enhance local efforts to prepare for all hazards, including efforts focused on planning, equipment acquisitions, training, exercises, and renovation to enhance and sustain core capabilities.
- Pre-Disaster Mitigation (PDM) Fund - \$249.2 million, an increase of \$149.2 million, to support state and local efforts to implement a sustained pre-disaster natural hazard mitigation program. The explanatory statement notes that this increased funding level represents "an opportunity to advance capital projects ready for investment that will reduce risks."

▪ ***Customs and Border Protection (CBP)***

\$14.017 billion in discretionary appropriations for CBP, \$1.83 billion more than the FY 2017 enacted level, to protect the nation's borders through additional funding for personnel, technology and equipment. Included within this amount is \$1.57 billion for an estimated 47 miles of new physical barriers (fences, levees, etc.) and 45 miles of upgraded or replacement barriers along the U.S./Mexico border.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The final agreement includes a total of \$42.7 billion for the Department of Housing and Urban Development (HUD), an increase of nearly \$3.9 billion above the FY 2017 enacted level.

▪ ***Community Planning and Development***

\$7.67 billion, \$866 million above the FY 2017 enacted level, for Community Planning and Development programs. This funding includes \$3.3 billion, \$300 million more than the FY 2017 enacted level, for the Community Development Block Grant (CDBG) to ensure decent affordable housing, to provide services to the most vulnerable in our communities, and to create jobs through the expansion and retention of businesses.

▪ ***HUD-Veterans Affairs Supportive Housing (HUD-VASH) Program***

\$40 million for new rental assistance vouchers for homeless Veterans, the same as the FY 2017 enacted level.

▪ ***Choice Neighborhoods***

\$150 million, \$12.5 million more than the FY 2017 enacted level, to support neighborhood revitalization grants, allowing communities to take on transformation initiatives that

redevelop severely distressed public or HUD-assisted housing and leverage private investment.

▪ ***Section 8 Rental Assistance***

\$22.015 billion, approximately \$1.723 billion above the FY 2017 enacted level, to assist very low-income families, the elderly, and the disabled with access to decent, safe, and sanitary housing in the private market.

▪ ***HOME Investments Partnerships Program***

\$1.36 billion for HOME Investment Partnerships, which is \$412 million above the FY 2017 enacted level, for formula grants to States and localities to fund a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance for the disadvantaged.

▪ ***Housing for the Elderly***

\$678 million for housing for the elderly, which is \$175.6 million more than the FY 2017 enacted level.

▪ ***Housing for the Disabled***

\$229.6 million for housing for the disabled, which is \$83.4 million more than the FY 2017 enacted level.

▪ ***Housing Opportunities for People with AIDS (HOPWA)***

\$375 million, \$19 million more than the 2017 enacted level, for grants to local communities, States, and nonprofit organizations for projects that benefit low-income persons living with HIV/AIDS and their families.

▪ ***Homeless Assistance Grants***

\$2.513 billion, \$130 million more than the FY 2017 enacted level, to support new permanent supportive housing and cover a wide range of activities to assist homeless persons and prevent future homelessness. This amount includes \$50 million of targeted funding for “rapid rehousing projects and supportive service projects” for victims of domestic violence, as well as \$80 million for projects in up to 25 communities that demonstrate comprehensive approaches to reducing youth homelessness.

DEPARTMENT OF INTERIOR

The Omnibus bill allocates approximately \$13.1 billion in overall spending for the Department of the Interior, an increase of approximately \$863 million above the FY 2017 enacted level.

▪ ***Land and Water Conservation Fund (LWCF)***

\$425 million is included for the LWCF, which provides assistance to states and non-federal partners for the acquisition and conservation of lands. The FY 2017 level is \$25 million above the FY 2017 enacted level.

DEPARTMENT OF JUSTICE

The bill provides \$30.296 billion, an increase of nearly \$1.35 billion above the FY 2017 enacted level, to support critical investigation, law enforcement, and prosecution activities. This amount includes \$2.934 billion for State & Local Law Enforcement Programs, which is \$374.5 million more than the FY 2017 enacted level. The omnibus also includes \$447.5 million for several DOJ programs aimed at combating the opioid epidemic, representing an increase of \$299.5 million over the FY 2017 enacted level.

▪ ***Community Oriented Policing Services (COPS)***

\$275.5 million to enhance community policing by sharing information and making grants to state and local law enforcement agencies, which is \$54 million more than the FY 2017 enacted level. This funding includes \$149.5 million, \$10 million more than the FY 2017 enacted level, for the primary COPS Hiring Program. The explanatory statement specifically notes that DOJ should be “reminded that the COPS Hiring Program may include grant award preference categories for School Resource Officers.”

▪ ***Byrne Justice Assistance Grants***

\$415.5 million, \$12.5 million above the FY 2017 enacted level, for Byrne grants, which provide state and local governments with critical funding necessary to support a range of program areas including, but not limited to, law enforcement, crime prevention and education, corrections, drug treatment and enforcement, planning, technology improvement, and crime victim and witness initiatives.

▪ ***Community Trust Initiative***

\$65 million is provided, the same as the FY 2017 enacted level, for this program to improve community safety and support police training, including grants for the purchase of body-worn cameras.

▪ ***Office of Violence Against Women (OVW)***

\$492 million, \$10.5 million above the FY 2017 enacted level, for OVW programs, which reduce violence against women and administer justice for and strengthen services to victims of domestic violence, dating violence, sexual assault, and stalking.

▪ ***Juvenile Justice Programs***

\$282.5 million, \$32.5 million above the FY 2017 enacted level, to support state and local governments in their efforts to develop and implement effective programs for juveniles.

▪ ***Comprehensive School Safety Initiative***

\$75 million for DOJ's Comprehensive School Safety Initiative, which is designed to bring together the nation's best minds to research the root causes of school violence, and to develop technologies and strategies for improving school safety. While this funding represents an increase of \$25 million above the FY 2017 level enacted for the program, funding is to be directed to programs/activities under the STOP School Violence Act approved as part of the Omnibus.

DEPARTMENT OF LABOR

The Omnibus provides \$12.2 billion for the Department of Labor, an increase of approximately \$192 million above FY 2017. Within this amount, the Omnibus provides \$10.018 billion for the Employment and Training Administration, an increase of \$44 million above the FY 2017 level.

- ***Workforce Investment Act State Grants***

The bill allocates \$2.789 billion for Workforce Innovation and Opportunity Act (WIOA) Grants to States, which provide job training skills and assistance to low-skilled adults, dislocated workers and low-income youth with barriers to employment. The funding level represents an increase of \$80 million above the amount provided in FY 2017.

- ***Veterans Employment and Training Service (VETS)***

The bill provides \$295 million for Veterans Employment and Training Service (VETS), \$16 million above the FY 2017 enacted level. This includes \$19.5 million for the Transition Assistance Program to help new veterans receive training for civilian employment and job search assistance, and \$50 million for the Homeless Veterans program.

- ***YouthBuild***

\$89.534 million for the YouthBuild program, \$5 million more than the FY 2017 enacted level, which addresses the challenges faced by unemployed, high school dropouts by providing them with an opportunity to gain both the education and occupational skills that will prepare them for employment with a living wage.

- ***Apprenticeships***

The bill provides \$145 million for the Apprenticeship Grant program, \$50 million more than in FY 2017, which supports competitive grants to states, industry, and to community-based organizations.

DEPARTMENT OF TRANSPORTATION

The bill includes \$27.3 billion in discretionary appropriations for the Department of Transportation, \$8.7 billion more than the FY 2017 enacted level.

- ***TIGER Discretionary Program***

\$1.5 billion for TIGER grants, which is \$1 billion more than the FY 2017 enacted level.

▪ ***Federal Transit Administration (FTA)***

\$13.48 billion, more than \$1.065 billion above the FY 2017 enacted level, is included for FTA programs. Consistent with the Fixing America's Surface Transportation Act (FAST Act) authorization level, the bill allows \$9.73 billion in state and local formula transit grant funding from the Mass Transit Account of the Highway Trust Fund.

- \$2.644 billion is provided for Capital Investment Grants ("New Starts"), an increase of \$232 million above the FY 2017 level, which includes \$1.5 billion for current Full Funding Grant Agreement (FFGA) projects, \$716 million for Core Capacity projects, and \$408 million for proposed Small Start projects.
- The bill allocates an additional \$834 million from the general fund for transit infrastructure grants, including \$400 million for State of Good Repair grants and \$400 million for Bus and Bus Facilities grants. The funding provided for bus grants includes \$209.1 million in formula grants, \$161.446 million for competitive grants, and \$29.45 million for low or no emission grants.

▪ ***Federal Highway Administration (FHWA)***

\$44.234 billion in "obligation limitation" funding for the Federal-Aid Highways program, which reflects the increased funding level authorized by the FAST Act. The bill also includes an additional \$2.5 billion from the general fund for highway infrastructure programs, including \$1.98 billion for road and bridge projects eligible under the Surface Transportation Block Grant program and \$225 million for a new competitive rural bridge program.

▪ ***Federal Aviation Administration (FAA)***

\$18 billion in total budget resources for the FAA, which is \$1.6 billion more than the FY 2017 enacted level, to support the full operations of the air traffic control system, including the hiring and training of air traffic controllers and safety inspectors. The bill provides an additional \$1 billion to the Airport Improvements Program (AIP), bringing the total funding for this program to \$4.35 billion, with these funds prioritized to small and rural airports.

▪ ***Federal Railroad Administration (FRA)***

\$3.091 billion for FRA programs, an increase of \$1.24 billion above the FY 2017 enacted level for railroad assistance and rail safety programs. This amount includes approximately \$1.94 billion in funding for AMTRAK, \$446.4 million more than in FY 2017.

OTHER AGENCIES

U.S. ARMY CORPS OF ENGINEERS

\$6.827 billion is allocated for the U.S. Army Corps of Engineers, which is an increase of \$789 million above the FY 2017 enacted level.

ECONOMIC DEVELOPMENT ADMINISTRATION (EDA)

\$301.5 million for Economic Development Assistance (EDA) Programs, an increase of \$25.5 million over the FY 2017 enacted level, for investments that will leverage regional assets to support the implementation of regional economic development strategies designed to create jobs, leverage private capital, and encourage economic development.

ENVIRONMENTAL PROTECTION AGENCY (EPA)

\$8.058 billion is provided for the EPA, which maintains the Agency's overall funding at FY 2017 enacted level.

- ***Clean Water and Drinking Water State Revolving Funds***
\$2.857 billion, which is \$600 million more than the FY 2017 enacted levels, for clean water availability and water quality protection projects, including \$1.693 billion for the Clean Water State Revolving Fund and \$1.116 billion for the Drinking Water State Revolving Fund.
- ***Water Infrastructure Finance and Innovation (WIFIA) program***
\$63 million in funding for the Water Infrastructure Finance and Innovation (WIFIA) program, which is estimated to leverage more than \$6 billion in new infrastructure projects.
- ***Water Infrastructure Improvements for the Nation (WIIN) Act***
Funding is provided for several grant programs authorized by the WIIN Act that are designed to address lead in drinking water. The allocations include \$20 million for a voluntary program for lead testing in schools and child care centers and \$20 million for a grant program to help small and disadvantaged communities develop and maintain adequate water infrastructure.

INSTITUTE FOR MUSEUM AND LIBRARY SERVICES

\$240 million for IMLS programs and activities, a \$9 million increase over the FY 2017 enacted level. This amount includes \$160.8 million for Library Services Technology Act (LSTA) grants to states, which represents a \$4 million increase from the FY 2017 level.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

\$5.9 billion for NOAA programs and research activities, \$234 million above the FY 2017 level.

- In lieu of providing direct funding to the Regional Coastal Resilience Grant (RCRG) program, the RCRG is effectively re-branded and funding is instead directed into the National Ocean and Coastal Security Fund with the purpose of meeting the goals of the RCRG. The Fund is allocated \$30 million, which is \$15 million more than the FY 2017 enacted level for RCRG.