



That's a Wrap on the 114th Congress

Appropriations

In the closing hours of December 9, the U.S. Senate approved a Continuing Resolution (CR) that extends Fiscal Year 2016 funding through April 28, 2017, sending it on to the President for signature just hours before the previous CR was set to expire. The stopgap measure allows appropriators to complete work on the FY 2017 spending bills in the 115th Congress, which will convene in January.

With fiscal 2017 having officially begun on October 1, the CR means that FY 2016 has been extended by about seven months. The measure stipulates that federal agencies may operate at a level that is 0.19 percent below what was originally approved for FY 2016 funding. For most agencies this means business as usual under the current funding trajectory. However, the legislation did include some exceptions, moving some funds around and making exceptions in certain cases.

NIH

The measure provides the full \$352 million made available to the National Institutes of Health (NIH) in FY 2017 through the Innovation Account established in the 21st Century Cures Act (which was signed into law on December 13). Under the Act, the funding will be transferred to the NIH director to allocate: \$40 million for the Precision Medicine Initiative; \$10 million for the BRAIN initiative; \$300 million for cancer research; and \$2 million for clinical research in the field of regenerative medicine. The CR also allocates \$20 million from the FDA Innovation Account in FY 2017, and \$500 million for state grants to respond to the opioid crisis.

The 21st Century Cures Act, H.R. 34, contains a number of other provisions affecting the NIH, including a proposal to create a “Next Generation of Researchers Initiative” in the NIH Office of the Director to improve opportunities for new researchers and a section aimed at reducing administrative burden for researchers. The bill also requires NIH, as part of its strategic plan, to consider “disease burden in the United States, rare diseases, and biological and social determinants of health.” The PAA Office of Government and Public Affairs will be monitoring implementation of this law and responding to relevant public comments periods NIH may issue.

Census Bureau

The CR includes an “anomaly,” or permission to expend additional funds beyond the FY 2016 levels, for activities related to the 2020 Census at an unspecified amount. The amounts that the Census Bureau will be able to use are still to be negotiated and determined; however, giving the critically important planning and field testing that must be undertaken in 2017, obtaining this authority was crucial.

NSF Authorization Bill Approved

In other “Lame Duck Session” news, House and Senate lawmakers were able to achieve a compromise on legislation pertaining to the National Science Foundation (NSF), using S. 3084, the American Innovation and Competitiveness Act (AICA), which was approved over the summer by the Senate Commerce Committee. The compromise that was achieved retained many of the provisions of the original S. 3084; however, it stripped out the language that had specified an actual authorized funding level for NSF in 2017 and 2018 (including a 4 percent increase in 2018). The compromise also tweaked language requiring NSF to ensure that its grants serve “the National Interest.”

It had appeared that time had run out on gaining final passage of the compromise AICA, as most lawmakers departed Washington following passage of the Continuing Resolution. However, bill sponsors were able to quietly secure final House passage on December 16 under a unanimous consent arrangement — which is sometimes used to permit action on non-controversial bills. The President is expected to sign the measure.

Securing passage of S. 3084 was a major achievement for the bill’s sponsors, Senators Cory Gardner (R-CO) and Gary Peters (R-MI). Not only did they succeed in formulating a bi-partisan bill, but the final compromise hewed much closer to their original bill than to a House-passed COMPETES reauthorization that was introduced by Science Committee Chairman Lamar Smith (R-TX) and approved by the House in 2015. That measure was opposed by an overwhelming majority of scientific organizations and research universities, and passed only narrowly, with two dozen Republican lawmakers breaking ranks to vote against it.

Overall, this is a very positive development—a “win” for science advocates.

115th Congress

Looking ahead, the 115th Congress should prove to be interesting, at the very least, with Republicans in control of both chambers and the White House, a major piece of unfinished business (namely, the FY 2017 appropriations), and a legislative calendar crammed with hearings and votes on President-Elect Trump’s various executive branch nominees.