SUMMARY OF FISCAL YEAR 2018 OMNIBUS APPROPRIATIONS BILL AND REPORT LANGUAGE

The fiscal year (FY) 2018 omnibus appropriations bill (HR 1625) was released on March 21, 2018 following passage of the Bipartisan Budget Act of 2018 (Public Law 115-123) in February which raised the FY 2018 and FY 2019 Budget Control Act defense and non-defense spending caps. The bill includes full year appropriations (through September 30, 2018) for all government agencies at an overall discretionary funding level of approximately $1.3 trillion. This total reflects the additional $63 billion in non-defense and $80 billion in defense spending that was included in the budget caps agreement.

The House of Representatives passed HR 1625 by a vote of 256-157 on March 22. Senate approval came on March 23 via a 65-32 vote. President Trump signed the bill on March 23.

Funding for the federal research agencies of interest to FASEB is as follows:

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>FY 2017 FUNDING LEVEL</th>
<th>FY 2018 FUNDING LEVEL</th>
<th>CHANGE FROM FY 2017 – FY 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Institutes of Health</td>
<td>$34.08 billion</td>
<td>$37.08 billion</td>
<td>+$3 billion (8.8%)</td>
</tr>
<tr>
<td>National Science Foundation</td>
<td>$7.47 billion</td>
<td>$7.8 billion</td>
<td>+$295 million (4.1%)</td>
</tr>
<tr>
<td>Department of Energy Office of Science</td>
<td>$5.39 billion</td>
<td>$6.26 billion</td>
<td>+$868 million (16%)</td>
</tr>
<tr>
<td>Veterans Administration Medical &amp; Prosthetic Research Initiative</td>
<td>$675 million</td>
<td>$722 million</td>
<td>+$47 million (7%)</td>
</tr>
<tr>
<td>Agriculture &amp; Food Research Initiative</td>
<td>$375 million</td>
<td>$400 million</td>
<td>+$25 million (6.6%)</td>
</tr>
</tbody>
</table>

The text of the omnibus appropriations bill was accompanied by explanatory statements (e.g. “report language”) for each of the 12 individual spending measures included in the package. The introduction to each division of the explanatory statement contains instructions to the agencies about the “report language.”

Significant items relevant to FASEB societies are summarized below.

NATIONAL INSTITUTES OF HEALTH

Language pertaining to NIH can be found on pages 929-937 of the bill text and pages 28-36 of the Division H explanatory statement. Additional funding information may be found in the table on pages 102-104 of the explanatory statement and in the Appropriations Committee summary of the Labor, Health and Human Services section of the bill.
The omnibus bill provides NIH with a total budget of $37.084 billion, a $3 billion increase over currently enacted funding, including $496 million appropriated through the 21st Century Cures Act (Public Law 114-255). In addition, $500 million is provided for opioid research.

**Funding for Specific Programs/Initiatives:** The following amounts are provided (Explanatory Statement, Division H, pgs. 28-30):

- Precision Medicine Initiative – $60 million increase over current funding
- Alzheimer’s Disease Research – $414 million increase over current funding
- Brain Research through Application of Innovative Neurotechnologies (BRAIN) – $140 million increase over current funding
- Research to Combat Antimicrobial Resistance – $50 million increase over current funding
- Individual Institutes/Centers (I/C) – an increase above current funding is provided to every Institute and Center
- Common Fund – total funding of $588.1 million (includes $12.6 million to support pediatric research authorized by the Gabriella Miller Kids First Research Act)
- Clinical and Translational Science Awards (CTSA’s) – total funding of $542.77 million, an increase of $26.54 million
- Institutional Development Awards – total funding of $350.57 million, an increase of $17.2 million
- Breakdown of 21st Century Cures Funding – $300 million (to NCI for Cancer Moonshot); $100 million for the Precision Medicine Initiative and $10 million for regenerative medicine research (to the Office of the Director); $43 million (to NINDS) and $43 million (to NIMH) for the BRAIN Initiative

**Increase in Number of Grant Awards** – NIH is expected to support an increase in the number of new and competing Research Project Grants (Explanatory Statement, Division H, p. 30)

**Young Investigators** – NIH is instructed to continue its focus on emerging investigators and first-time renewals of young investigators with actions to significantly reduce the average age of an NIH-supported new investigator (Explanatory Statement, Division H, p. 30)

**Ruth L. Kirschstein National Research Service Awards (NRSA)** – NIH is expected to support an increase in the number of NRSA’s and to provide a stipend level and inflationary increase to grantees that is at least consistent with the FY 2018 Federal employee pay raise (Explanatory Statement, Division H, p. 30)

**Science Education Partnership Awards (SEPA)** – stipulates that SEPA receive at least $19.49 million (same as the FY 2017 level plus the proportional share of the general increase provided to NIGMS) (Explanatory Statement, Division H, p. 32)

**Clinical and Translational Science Awards** – Directs NCATS to continue to the five year grant cycle, stabilize the number of hubs funded, and note that the NIH Director is expected to provide quarterly updates to PI’s of CTSA HUBS beginning in April 2018 (Explanatory Statement, Division H, p. 33)

**Clinical Trials Definition** – The agreement appreciates efforts NIH has taken to increase transparency and improve oversight of its clinical trials and recognizes that the results of NIH-
funded clinical trials have not always been reported in a timely manner, reducing the potential benefit from the findings. The agreement urges NIH to continue to address this problem through enhanced registration and reporting through ClinicalTrials.gov. There is concern, however, that in addressing this issue, many fundamental research studies involving human participants are being redefined as clinical trials without sufficient notification and consultation with this segment of the research community. Fundamental research is critical to the NIH mission and of value to the public, and there is concern that policy changes could have long-term, unintended consequences for this research, add unnecessary regulatory burdens, and substantially increase the number of studies in the clinicaltrials.gov database that are not clinical trials. For fiscal year 2018, the agreement directs NIH to delay enforcement of the new policy published in the Federal Register on September 21, 2017 including NIH's more expansive interpretation of "interventions" in relation to fundamental research projects involving humans. The new policy should go forward for research projects that would have been considered clinical trials under the prior policy. This delay is intended to provide NIH sufficient time to consult with the basic research community to determine the reporting standards best suited to this kind of research. The agreement directs NIH to provide the Committees on Appropriations of the House of Representatives and the Senate a plan and schedule for soliciting comments and input from the research community within 30 days of enactment of this act, and brief the Committees on the results of these consultations and next steps by June 22, 2018. (Explanatory Statement, Division H, p. 34-35)

Prohibition on Capping Facilities & Administrative Costs – In making Federal financial assistance, the provisions relating to indirect costs in part 75 of title 45, 13 Code of Federal Regulations, including with respect to the approval of deviations from negotiated rates, shall continue to apply to the National Institutes of Health to the same extent and in the same manner as such provisions were applied in the third quarter of fiscal year 2017. None of the funds appropriated in this or prior Acts or otherwise made available to the Department of Health and Human Services or to any department or agency may be used to develop or implement a modified approach to such provisions, or to intentionally or substantially expand the fiscal effect of the approval of such deviations from negotiated rates beyond the proportional effect of such approvals in such quarter. (Bill text, Sec. 266, p. 978)

Salary Cap – None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II. (Bill text, Sec. 202, pgs. 965-966)

NATIONAL SCIENCE FOUNDATION

Language pertaining to NSF can be found on pages 48-50 of the Division B report that accompanies the omnibus bill and in the Appropriations Committee summary of the Commerce, Justice, Science section of the bill. Please be aware that page number references correspond to PDF pages of the report and not the page number labels in the document, which are discontinuous.

Additional funding information may be found in the table on pages 67-68 of the report.

The omnibus bill provides the National Science Foundation (NSF) with a total budget of $7.767 billion, a $295 million increase over currently enacted funding. The Research and Related Activities account, which funds the majority of the Foundation's research grants, is provided with $6.33 billion, an increase of approximately $300 million. The Education and Human Resources
Directorate, which is appropriated as a separate line-item and funds a large number of the Foundation’s education programs, is funded at $902 million, an increase of $22 million. The Major Research Equipment and Facilities Construction (MREFC) account receives a reduction of approximately $26 million relative to FY 2017, leading to a total MREFC appropriation of $183 million.

The report language accompanying the omnibus is largely free of prescriptive policy directives pertaining to NSF, though there are few items that may be of interest to the members of FASEB societies:

**International scientific research:** In describing the overall NSF budget, the report language states: “This strong investment in basic research reflects Congress’ growing concern that China and other competitors are outpacing the United States in terms of research spending, as noted in the 2018 Science and Engineering Indicators report of the National Science Board” (Report, Division B, pages 48-49).

**Hurricane-damaged research facilities:** The report directs NSF to use previously appropriated funds to complete repairs on facilities that were damaged by hurricanes in 2017 (Report, Division B, page 49).

**MREFC:** The report directs $105 million of the MREFC account to be used for the continuing construction of three Regional Class Research Vessels (Report, Division B, page 49).

**UNITED STATES DEPARTMENT OF AGRICULTURE**

Language pertaining to the USDA AFRI program can be found on pages 7-9 of the Division A report that accompanies the omnibus bill and in the Appropriations Committee summary of the Agriculture section of the bill.

Additional funding information may be found in the table on page 37 of the report.

The omnibus bill provides the Agriculture and Food Research Initiative (AFRI) with a total budget of $400 million, a $25 million increase over currently enacted funding. There is no report language pertaining specifically to AFRI. The funding level can be found in the table on page 8 of the report.

**DEPARTMENT OF ENERGY OFFICE OF SCIENCE**

Please note: Language pertaining to the DOE Office of Science can be found on pages 78-80 of the Division D report that accompanies the omnibus bill and in the Appropriations Committee summary of the Energy & Water section of the bill. Be aware that page number references correspond to PDF pages of the report and not page number labels in the document, which are discontinuous.

Additional funding information may be found in the table on pages 94-95 of the report.
The omnibus bill provides the Office of Science (DOE SC) with a total budget of $6.26 billion, approximately $867 million above currently enacted funding. There are a few additional items that may be of interest to the members of FASEB societies:

**Advanced Scientific Computing:** The omnibus includes $810 million for advanced scientific computing research, $163 million above currently enacted funding (Report, Division D, p. 94).

**Basic Energy Sciences:** The omnibus includes approximately $2.09 billion for basic energy sciences (BES), approximately $218 million above currently enacted levels. Funds in this account support DOE facilities, including the five BES high-energy light sources (Report, Division D, p. 94).

**Biological and Environmental Research:** The omnibus includes $673 million for biological and environmental research (BER), $61 million above currently enacted funding. The report also states that “the Department is directed to maintain Genomic Science as a top priority” (Report, Division D, p. 79, 94).

**VETERANS ADMINISTRATION**

Language pertaining to the VA Medical and Prosthetic Research Program can be found on page 1145 of the bill text and pages 27-28 of the Division J explanatory statement and in the Appropriations Committee summary of the Military Construction/Veterans Affairs section of the bill.

The omnibus bill provides the VA research program with a total budget of $722 million, a $47 million increase over currently enacted funding.

**Research on Gender-Appropriate Prosthetics** – Notes that the bill text includes provisions to ensure that the Secretary allocates adequate funding for research on gender-appropriate prosthetics and toxic exposures. (Explanatory Statement, Division J, p. 27)

**Restrictions on Canine Research** – Sec. 254 prohibits the use of canines in VA research unless: the scientific objectives of the study can only be met by using canines; the study has been directly approved by the Secretary; and the study is consistent with the revised VA canine research policy document released in December 2017. (Explanatory Statement, Division J, pgs. 45-46)

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