

Legislative Update

National Cancer Advisory Board

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NCI Office of Government and Congressional Relations

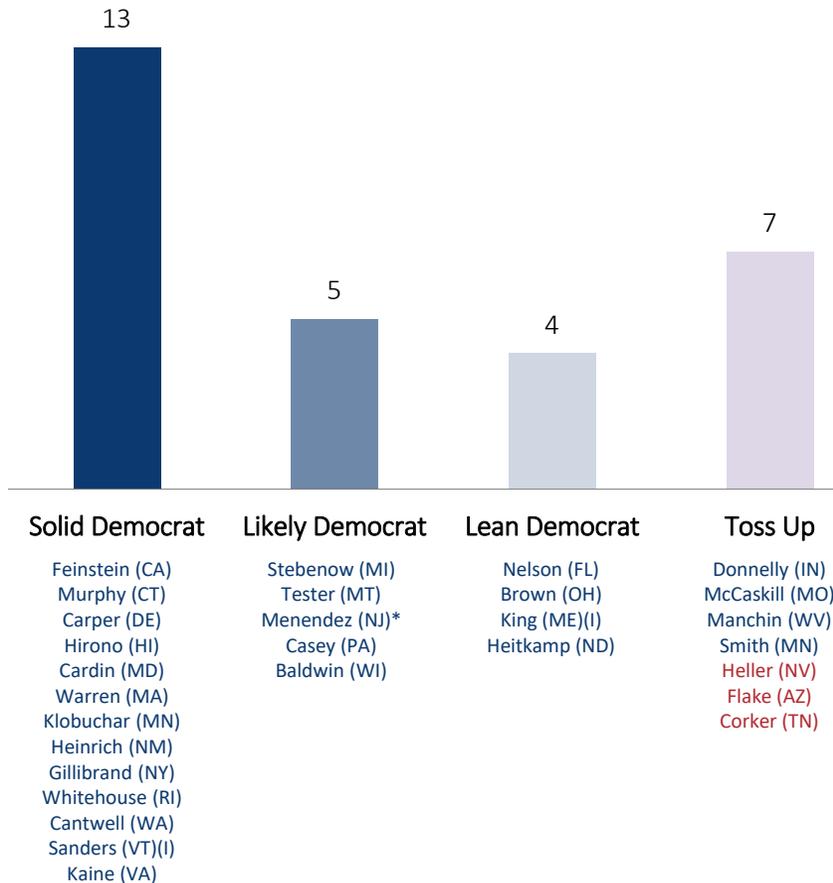
Topics

- Election Year
- Budget Process
- FY18 – Five CRs and Two Shutdowns (so far)
- Budget Deal, Debt Limit Increase, CR through 3/23
- What's Next?

Senate Dems are defending 25 seats in 2018, four toss-ups

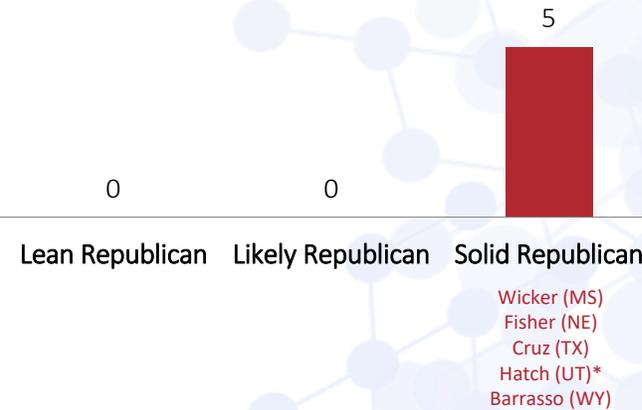
Breakdown of 2018 Senate races

THE COOK POLITICAL REPORT



What does Corker's retirement mean?

- More money will be spent on primaries that test the populist/mainstream Republican divide
- Without a threat of re-election Corker might be more willing to vote on principle, hurting Republican's chances at passing deficit-increasing tax cuts



* Potential retirement
 ** Announced retirement

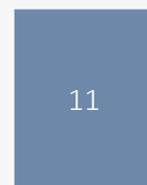
NB: Corker and Strange refer to their seats rather than the candidates who announced retirement and lost a special election primary challenge, respectively.
 Source: The Cook Political Report, September 29, 2017.

If Democrats retain all their seats in 2018, they must pick up all “toss-ups” as well as 5 “lean-Republicans”

Cook Political Report ratings

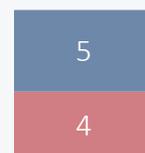
2017-2018 HOUSE RACES

■ Democrat held seats ■ Republican held seats



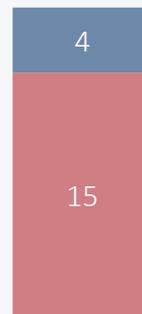
Likely Democrat

Sinema (AZ-9)*
 Carbajal (CA-24)
 Crist (FL-13)
 Loeb sack (IA-2)
 Peterson (MN-7)
 Kuster (NH-2)
 Suozzi (NY-3)
 Maloney (NY-18)
 Schrader (OR-5)
 Cartwright (PA-17)
 Kind (WI-3)



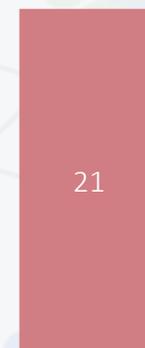
Lean Democrat

O'Halleran (AZ-1)
 McSally (AZ-2)*
 Bera (CA-7)
 Royce (CA-39)*
 Issa (CA-49)*
 Murphy (FL-7)
 Ros-Lehtinen (FL-27)*
 Gottheimer (NJ-5)
 Kihuen (NV-4)



Toss Up

Walz (MN-1)*
 Nolan (MN-8)
 Shea-Porter (NH-1)*
 Rosen (NV-3)*
 Knight (CA-25)
 Rohrabacher (CA-48)
 Coffman (CO-6)
 Curbelo (FL-26)
 Blum (IA-1)
 Roskam (IL-6)
 Trott (MI-11)*
 Lewis (MN-2)
 Bacon (NE-2)
 LoBiondo (NJ-2)*
 Frelinghuysen (NJ-11)
 Faso (NY-19)
 Culberson (TX-7)
 Comstock (VA-10)
 Reichert (WA-8)*



Lean Republican

Denham (CA-10)
 Walters (CA-45)
 Handel (GA-6)
 Young (IA-3)
 Bost (IL-12)
 Jenkins (KS-2)*
 Yoder (KS-3)
 Barr (KY-6)
 Poliquin (ME-2)
 Bishop (MI-8)
 Paulsen (MN-3)
 Lance (NJ-7)
 Tenney (NY-22)
 Costello (PA-6)
 Meehan (PA-7)
 Fitzpatrick (PA-8)
 Dent (PA-15)*
 Vacant (PA-18)
 Hurd (TX-23)
 Sessions (TX-32)
 Love (UT-4)



Likely Republican

Valadao (CA-21)
 Hunter (CA-50)
 Mast (FL-18)
 Woodall (GA-7)
 Davis (IL-13)
 Hultgren (IL-14)
 Walberg (MI-7)
 Gianforte (MT-0)
 Holding (NC-2)
 Pittenger (NC-9)
 Budd (NC-13)
 MacArthur (NJ-3)
 Pearce (NM-2)*
 Zeldin (NY-1)
 Donovan (NY-11)
 Katko (NY-24)
 Chabot (OH-1)
 Vacant (OH-12)
 Stivers (OH-15)
 Renacci (OH-16)*
 Smucker (PA-16)
 Taylor (VA-2)
 Garrett (VA-5)
 Brat (VA-7)
 McMorris Rodgers (WA-5)
 Grothman (WI-6)

- Excludes all seats marked as ‘Solid Democrat’ or ‘Solid Republican’
- Dems need to pick up 24 seats to win majority

*Incumbent not seeking reelection

Source: Cook Political Report.

January 17, 2018 | Daniel Stublen

Right to Try Legislation

- To allow patients with a “terminal illness” (H.R. 878) or “life-threatening disease or condition” (S. 204) to request access from drug manufacturers to experimental treatments not yet approved by FDA (no requirement to use FDA’s compassionate use program).
- Passed the Senate in August 2017. House Energy & Commerce working with FDA.
- President and VP support the legislation. President Trump mentioned in 2018 State of the Union: “Patients with terminal conditions, terminal illness, should have access to experimental treatment immediately that could potentially save their lives.”

NCI/NIH BUDGET PROCESS FOR REGULAR APPROPRIATION

STEP 1



White House OMB coordinates with federal agencies to formulate the President's budget proposal

STEP 2



Congressional appropriations committees consider President's proposal & prepare legislation

FY 2019

STEP 3



Congress reconciles & finalizes appropriations legislation & sends to the President

FY 2018

STEP 4



President signs the appropriations bill into law making funds available for NIH & NCI

Fiscal Year 2018

Five Continuing Resolutions (to date)

- CR #1 Sept 8 - Dec 8
- CR #2 Dec 9 - Dec 22
- Cr #3 Dec 21 - Jan 19
- Shutdown #1 - Jan 19-Jan 22
- CR #4 Jan 23 - Feb 8
- Shutdown #2 - Feb 9 (8 hours)
- CR #5 Feb 9 - March 23

Five Continuing Resolutions? Par for the Course on Capitol Hill

Fiscal 2018 isn't an outlier, yet, when compared to recent years

- Congress has averaged roughly 5.5 CRs per year going back to FY1998
- 21 CRs in fiscal year (2001) — although each one averaged only about four days.
- Since 2006, Congress has used temporary spending measures to fund all or part of government for more than 174 days on four occasions, including three full-year stopgaps.
- The last time no CR was needed was FY1996 – all spending bills enacted individually.



- Two shutdowns in FY18 – 3 days and 8 hours (shortest shutdown in history)

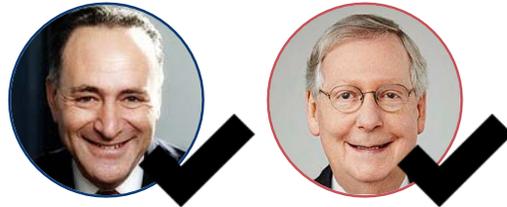
Table I. Appropriations Funding Gaps Since FY1977

Fiscal Year	Final Date of Budget Authority^a	Full Day(s) of Gaps^b	Date Gap Terminated^c
1977	Thursday, 09/30/76	10	Monday, 10/11/76
1978	Friday, 09/30/77	12	Thursday, 10/13/77
	Monday, 10/31/77	8	Wednesday, 11/09/77
	Wednesday, 11/30/77	8	Friday, 12/09/77
1979	Saturday, 09/30/78	17	Wednesday, 10/18/78
1980	Sunday, 09/30/79	11	Friday, 10/12/79
1982	Friday, 11/20/81	2	Monday, 11/23/81
1983	Thursday, 09/30/82	1	Saturday, 10/02/82
	Friday, 12/17/82	3	Tuesday, 12/21/82
1984	Thursday, 11/10/83	3	Monday, 11/14/83
1985	Sunday, 09/30/84	2	Wednesday, 10/03/84
	Wednesday, 10/03/84	1	Friday, 10/05/84
1987	Thursday, 10/16/86	1	Saturday, 10/18/86
1988	Friday, 12/18/87	1	Sunday, 12/20/87
1991	Friday, 10/05/90	3	Tuesday, 10/09/90
1996	Monday, 11/13/95	5	Sunday, 11/19/95
	Friday, 12/15/95	21	Saturday, 01/06/96
2014	Monday, 09/30/13	16	Thursday, 10/17/13

Source: Compiled by CRS with data from the Legislative Information System of the U.S. Congress.

President Trump signs budget deal into law after it passes the House 240-186

Key provisions of the budget deal



Senate Majority Leader McConnell and Minority Leader Schumer both supported the deal. Sen. Rand Paul (R-KY) delayed the final vote until after 1 AM, causing a brief government shutdown.



Speaker of the House Ryan supported the deal but Minority Leader Pelosi opposed it because it does not include a solution for DACA recipients. Conservative Freedom Caucus members opposed the deal because it increases spending.



Increases defense discretionary spending cap by \$80 billion in FY18 and \$85 billion in FY19



Fully repeals sequestration for nondefense spending



Funds government through March 23 to give Congress time to deal with appropriations



Provides \$90 billion in emergency funding for Puerto Rico, Florida and Texas



Extends CHIP funding for four years and reauthorizes community health centers for two years



Allocates \$20 billion to infrastructure spending



Provides \$4 billion over two years to address claims at Veterans Affairs



Authorizes \$6 billion over two years to address the opioid crisis



Suspends debt ceiling until March 1, 2019

Sources: Alexander Bolton, "What you need to know about the Senate budget deal," The Hill, Feb. 8, 2018; John Bresnahan, Scholtes and Caygle, "All eyes on House Dems as Congress readies vote on budget deal," Politico, Feb. 8, 2018; Thomas Kaplan, "Trump Signs Budget Deal to Raise Spending and Reopen Government," NY Times, Feb. 9, 2018.

HR 1892 - Budget Agreement / 5th Continuing Resolution for FY18 CR

- Signed into law February 9th after an overnight government shutdown
- Raises spending for nondefense by \$131B and defense by \$165B
- Provides funding for certain priority areas (over two years). E.g.,
 - NIH \$2B, Opioids \$6B, Infrastructure \$20B
 - Child Care \$2.9B, Veterans \$4B Higher Education \$4B
 - These specific allocations represent floors for funding ceilings. Appropriators can chose to augment.

“We intend to increase NIH by \$2 billion in FY18”

Labor HHS Appropriations Chairman Tom Cole

February 9, 2017



FY18 President's Budget Request- May 2017

- > 20% cut to NIH's budget (from FY17 enacted)

FY18 House bill –July 2017

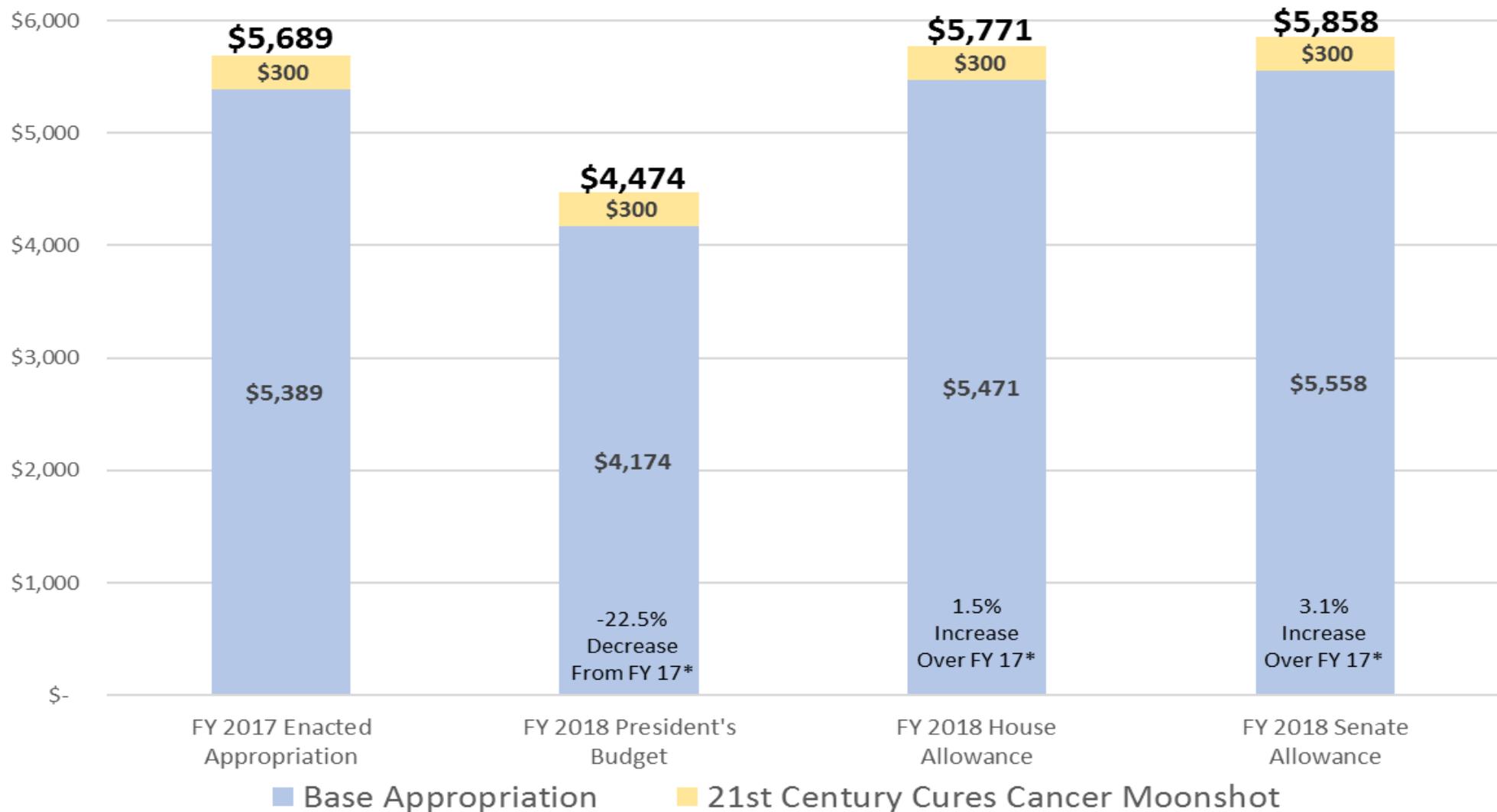
- NIH = + \$1.1 billion over FY17 enacted level
- NCI = + \$82 million over FY17 enacted level (+300M Moonshot)

FY18 Senate bill – September 2017

- NIH = + \$2.0 billion over FY17 enacted level
- NCI = + \$169 million over FY17 enacted level (+300M Moonshot)

National Cancer Institute Appropriations History

(Dollars in Millions)



*Percent changes do not include 21st Century Cures funding

What's Next?

Finalize an FY18 Omnibus Spending bill

New nondefense spending areas (e.g., opioids, infrastructure) complicating job for appropriators – budget deal described the range of uses for the \$20 billion but didn't spell out in any detail how it would be divided up or through which programs it would be channeled

Takes time to consolidate 12 spending bills – new budget caps and new priorities will cause further delay

FY19 Budget Hearings -

OMB Director and Treasury Secretary testify this week at the House Budget Committee and Senate Finance Committee

HHS Secretary to testify at House Energy and Commerce Committee, Ways and Means and Senate Finance Committee

Power of the Purse

“All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other Bills.”

— U.S. Constitution, Article I, section 7, clause 1

“No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.”

— U.S. Constitution, Article I, section 9, clause 7



“As outlined in the Constitution, the Congress, not the Executive Branch, has the ‘power of the purse.’ My Committee takes this responsibility very seriously.

It is our job to analyze the request, go through each and every budget line, question every witness, and demand spending justifications on behalf of the taxpayers who are footing the bill.

Only then can Congress put forward our own plan to fund the federal government.”

House Appropriations Chairman Rodney Frelinghuysen (R-NJ)