February 5, 2010

CONGRESSIONAL SCHEDULE

The Senate did not meet today; the House met in pro forma session with no votes.

The House next week is expected to take up a portion of its already-approved health care bill, the provision that would remove the antitrust exemption for health insurance companies. The provision was not included in the Senate-passed health care measure. House Speaker Nancy Pelosi (D-CA) said the decision to move a piece of the health care package separately did not mean Democrats have abandoned the broader bill.

The Senate next week is expected to consider a bipartisan jobs bill that is still being negotiated. While final details are not yet available, the measure is expected to focus on tax breaks, rather than on the infrastructure spending and aid to states that were included in the jobs bill the House approved in December. CongressDaily reports that because of the must-pass nature of the bill, Senate Democratic leaders may add extensions of several expiring provisions to their bill, including the USA PATRIOT Act domestic surveillance law and satellite licensing provisions.

BUDGET & APPROPRIATIONS

FY11 BUDGET MATERIALS AND AAU SUMMARIES ON AAU WEBSITE

AAU has posted on its website a variety of materials on the Administration’s FY11 budget for research and higher education programs.

The materials include links to the Office of Management and Budget FY11 budget website, as well as briefings and background documents from specific research and education agencies, AAU summaries of those budgets, press releases, and the chart of AAU FY11 funding priorities.
ASSOCIATIONS AND GROUPS PRAISE PROPOSED FY11 INCREASES FOR RESEARCH AND EDUCATION

AAU has expressed appreciation for the President’s FY11 budget for research and higher education both singly and with other groups and organizations. These statements include AAU’s statement on February 1; a joint statement with the Association of American Medical Colleges and the Association of Public and Land-grant Universities praising the proposed increase in the National Institutes of Health (NIH) budget; and a statement from the Task Force on American Innovation supporting the proposed increased investments in the physical sciences and engineering.

EXECUTIVE BRANCH

AAU, COGR DETAIL CONCERNS OVER PENDING HHS GENE PATENT REPORT

AAU and the Council on Governmental Relations (COGR) sent a letter to Health and Human Services Secretary Kathleen Sebelius on February 1, expressing strong concerns about recommendations that may be part of a report on gene patents that is scheduled to be made final today.

The AAU-COGR letter states that, while the associations have not seen the final report from the Secretary’s Advisory Committee on Genetics, Health, and Society, they understand it might not differ substantially from the draft report circulated last May. They reiterate concerns expressed in their May 15 comment letter about a lack of evidence supporting the report’s recommendations. (The May 15 comments were resent with the February 1 letter.) They urge the Secretary, if the final report does not address concerns raised about the draft, to postpone final approval of the report until the problematic recommendations can be reviewed and either rejected or supported “based on rigorous factual evidence that has yet to be presented.”

A number of other organizations share these concerns about the report, “Gene Patents and Licensing Practices and Their Impact on Patent Access to Genetic Tests.” The Biotechnology Industry Organization (BIO) yesterday held a press conference to release a similar letter to the Secretary and to make available the AAU-COGR letter. Among participants at the event was former Senator Birch Bayh (D-IN), co-author of the Bayh-Dole technology transfer law.

In their May 15 comment letter, the associations raised concern that the Advisory Committee had found “little in the way of broad or consistent evidence that indicates either positive or negative effects of gene patents on patient access to diagnostic tests.” Thus, they said, there was no “firm basis” for a number of policy options, including the report’s recommendation that HHS consider making compliance with NIH best practices for genomic licensing a consideration in awarding NIH grants.

The AAU-COGR comment letter further expressed concern about the draft report’s suggestion that HHS issue an Executive Order clarifying HHS authority under Bayh-Dole to “impose on the grantee or contractor a presumption that any inventions resulting from government funding will be licensed nonexclusively when they are licensed for the genetic diagnostic field of use.”
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