Neither chamber met today.

The House will reconvene on Monday, July 19, but the legislative program has not been announced.

When the Senate reconvenes on Monday, July 19, it will resume consideration of a small business bill (H.R. 5297), with no roll call votes that day. CongressDaily reports that on Tuesday, Majority Leader Harry Reid (D-NV) plans to swear in the short-term replacement for the late Senator Robert Byrd (D-WV), followed immediately by a cloture vote on legislation to extend unemployment benefits through November.

Also next week, Senate Democrats may hold a cloture vote on the FY10 wartime supplemental appropriations bill (H.R. 4899). (See item below.)

For the rest of July, the Senate agenda includes a confirmation vote on Elena Kagan as a Supreme Court justice. Other legislative possibilities before the August recess include
consideration of an energy bill, a new version of tax extenders legislation, a House-passed bill on campaign finance regulations, and a defense authorization bill, CongressDaily reports.

**BUDGET & APPROPRIATIONS**

**PRESSURE BUILDS TO MOVE SMALLER FY10 SUPPLEMENTAL FUNDING BILL**

*NEW*

Congress continues to struggle to approve the FY10 wartime supplemental appropriations bill. CongressDaily reports that Senate Democrats may hold a vote on the House-passed version next week as a means of showing House Democrats that the larger House bill cannot pass the Senate, thus encouraging them to accept the smaller Senate version that passed in June. The Department of Defense has been pressing Congress for the supplemental funding to support the wars in Iraq and Afghanistan.

The $59-billion Senate-passed bill includes about $39 billion for war operations in Iraq and Afghanistan, as well as funding to expand veterans benefits and disaster relief programs. The version passed by the House on July 1 added about $23 billion in domestic spending, including $10 billion to help states avoid teacher layoffs and $4.95 billion to address the Pell Grant shortfall. (As discussed below, the Pell Grant shortfall has been addressed separately in the House FY11 Labor-HHS-Education appropriations bill.)

Although much of the House add-ons were offset by funding cuts, the Administration issued a veto threat against the House measure because it would cut $800 million from the President’s education reform programs.

**NINETY-TWO GROUPS URGE EDUCATION FUNDING IN FY10 SUPPLEMENTAL**

*UPDATED*

A group of 92 organizations and institutions, including AAU, sent a letter to all Senators on July 15 urging them to include in the FY10 supplemental appropriations bill funding to address the Pell Grant shortfall and to support public school teachers.

“Because some have concerns with the education offsets in the House-passed supplemental,” said the letter, “we urge the Senate to work with the House and the Administration to craft a package that can garner the needed votes for swift passage. We believe that through collaboration we can move this bill forward in a timely manner, save jobs, ensure college opportunity, and improve education for all of America’s students.”

**APPROPRIATIONS COMMITTEES MOVE FY11 FUNDING BILLS**

*UPDATED*

The House and Senate appropriations committees this week began moving their FY11 funding bills in earnest.

In the House, three additional bills were marked up in subcommittee: Military Construction-VA, Energy and Water, and Labor-HHS-Education, bringing the total of subcommittee markups to
nine out of 12 bills. None of the bills has yet been approved by the full House Appropriations Committee, but CongressDaily reports that the panel may take up the Transportation-HUD and Military Construction-VA bills on July 20.

The bills approved at the subcommittee level are Agriculture, Commerce-Justice-Science, Energy and Water, Foreign Operations, Homeland Security, Labor-HHS-Education, Legislative Branch, Military Construction-VA, and Transportation-HUD. Still to be scheduled for consideration are Defense, Financial Services, and Interior. CQToday reports that Defense Appropriations Subcommittee Chairman Norm Dicks (D-WA) said Wednesday that his panel might mark up its bill on July 22. However, news reports indicate that the markup may wait until September to forestall intensive lobbying on specifics of the bill over the August recess.

In the Senate, the Appropriations Committee on July 15 approved its 302(b) subcommittee allocations for FY11, cutting $14 billion from the President’s overall discretionary spending request. The committee-approved total is $7 billion below the number approved by the House in its budget enforcement resolution and $4 billion below the spending cap in the FY11 budget resolution approved by the Senate Budget Committee. Politico reports that $10.7 billion of the Senate cut would come from defense and foreign aid programs, and $985 million from labor, education, and health and human services programs.

The Senate committee on July 15 also approved the Military Construction-VA, Homeland Security, and Agriculture spending bills, the latter of which was not marked up in subcommittee. CongressDaily reports that the full committee may meet July 22 to consider the Commerce-Justice-Science, State and Foreign Operations, Transportation-HUD, and possibly the Energy-Water appropriations bills.

An updated chart of AAU FY11 funding priorities is available here.

**HOUSE SUBCOMMITTEE VOTES INCREASES FOR NIH, PELL GRANTS**

In the July 15 markup of its FY11 appropriations bill, the House Labor-HHS-Education Appropriations Subcommittee provided the President’s requested $1 billion increase for the National Institutes of Health (NIH) and an additional $5.7 billion to cover the Pell Grant program shortfall.

The overall bill would provide a total of $176.4 billion, $1.5 billion less than the President’s FY11 request for programs in the bill. The measure includes the requested $32.01 billion for NIH and allows the agency to use $50 million for the Cures Acceleration Network that was authorized in the health care reform legislation.

For student aid, funding would be $23.2 billion, an increase of $5.7 billion above the FY10 funding level and the same as the President’s FY11 request. The $24.9 billion included for the Pell Grant program would cover the current funding shortfall.

Student Aid Administration would receive $961 million, which is $91 million below FY10 and $209 million below the Administration’s request. Higher Education would be funded at $2.2 billion, which is $14 million below FY10 and an increase of $147 million above the FY11
request. It appears that the only program eliminated is the Leveraging Education Assistance Partnership program. The final program-level funding tables have yet to be released.

Republicans offered 16 amendments, but all were defeated except for a proposal from Todd Tiahrt (R-KS) to require federal agencies that spend more than $100 million annually on research to allow public access to research information.

**HOUSE SUBCOMMITTEE CUTS PRESIDENT'S REQUEST FOR ENERGY RESEARCH**

The FY11 funding bill marked up July 15 by the House Energy and Water Development Appropriations Subcommittee would provide $34.6 billion overall, a $1.2 billion increase over FY10 but $675 million below the Administration’s FY11 request.

Within that total, the Department of Energy (DOE) would receive $28.1 billion, which is nearly $1 billion above the FY10 level but $1.5 billion below the Administration’s request. CongressDaily reports that more than half of the increase for the Department would go to nuclear weapons, non-proliferation, and environmental cleanup programs.

The DOE Office of Science would receive $4.9 billion, a $4 million reduction from FY10, and $221 million below the Administration’s FY11 request.

The Advanced Research Projects Agency for Energy (ARPA-E) would be funded at $220 million, $80 million below the budget request. (The agency received $400 million through the American Recovery and Reinvestment Act and $15 million in FY09, but no funding in FY10.)

In his statement, Congressman Ed Pastor (D-AZ) said that funding is continued for the three energy innovation hubs started in FY10, but he said nothing about funding the new batteries hub requested by the Administration.

Electricity Delivery & Energy Reliability would be funded at $172 million, $14 million below the budget request, while the Energy Efficiency & Renewable Energy, Nuclear Energy, and Fossil Energy programs would be funded at the budget request levels.

**TASK FORCE ON AMERICAN INNOVATION APPLAUDS FUNDING INCREASES FOR NSF, NIST**

The Task Force on American Innovation, a coalition of major corporations, universities, and scientific societies in which AAU participates, wrote to leaders of the House Appropriations Committee on July 15 thanking them for the FY11 funding levels approved in subcommittee for the National Science Foundation (NSF) and the National Institute of Standards and Technology (NIST) and urging them to sustain those levels throughout the process.

“We urge the full Appropriations Committee to provide allocations that match or exceed the Subcommittee levels for both agencies,” said the letter. Cutting these investments would have a negligible impact on the deficit in the near term, added the letter, but “it would place at serious risk our ability to grow the economy and address our deficit problem over the long term.”
OTHER CONGRESSIONAL ISSUES

SENATE COMMERCE COMMITTEE APPROVES NASA REAUTHORIZATION BILL

NEW

The Senate Commerce, Science and Transportation Committee on July 15 unanimously approved a $58.4 billion, three-year authorization bill for NASA and its programs. For the past several months, the Administration and Members of Congress have been in a heated battle over the future direction of NASA and its human space flight operations. According to members of the committee, this bill represents a bipartisan compromise that incorporates much of the plan for space that President Obama outlined in the FY11 budget request for NASA.

The committee-passed bill calls for the development of a multi-purpose crew transport vehicle, based on the components of the Constellation program, and initiates development of a government-backed space launch system that has heavy-lift capabilities. In addition, the bill stresses the importance of earth science and observation missions, robust support for space science research, and continued support for aeronautics research and technology development. Administration officials are reviewing the details of the bill, but have said, “the bill appears to contain the critical elements necessary for achieving the President’s vision for NASA and represents an important first step toward helping us achieve the key goals the President has laid out.”

A section-by-section summary of the bill is available on the Senate Commerce, Science, and Transportation Committee website.

SENIOR ROCKEFELLER INTRODUCES SENATE COMPETES REAUTHORIZATION BILL

NEW

Senate Commerce Committee Chairman Jay Rockefeller (D-WV) on July 15 introduced legislation to reauthorize the America COMPETES Act (S. 3605). The text of the bill is not yet available on-line, but as reported previously, it is expected to focus on sustaining existing, funded programs at NSF, the DOE Office of Science, and the National Institute of Standards and Technology, rather than on authorizing new ones.

The Senate bill also includes a section (Sec. 104) creating an Interagency Public Access Committee similar to that established in the House bill (Sec. 123). Both Senate and House provisions implement key recommendations of the Scholarly Publishing Roundtable, convened in June, 2009, by House Science and Technology Committee Chairman Bart Gordon (D-TN).

The House version of the bill (H.R. 5116) approved May 28 is a five-year, $84 billion bill that authorizes significant funding increases for NSF, the DOE Office of Science, and NIST. It also reauthorizes the Advanced Research Projects Agency-Energy and increases support for undergraduate and graduate education programs in science, technology, engineering, and mathematics.
The research university community has been deeply concerned about an amendment added to the House bill on the floor, offered by House Education and Labor Committee Chairman George Miller (D-CA). The amendment would link public universities’ compliance with labor union information requests to their receipt of facilities and administrative cost reimbursements for federal research grants. The research university community hopes that the provision can be eliminated in the final bill.

EXECUTIVE BRANCH

OMB OKAYS SANCTIONS TRANSFER AMENDMENT TO DRAFT NIH CONFLICT OF INTEREST RULES  NEW

The White House Office of Management and Budget (OMB) on July 14 approved an amendment to the National Institute of Health’s (NIH) draft conflict of interest rules on the issue of transferring institutional sanctions when a sanctioned researcher moves to another institution.

Reportedly, the amendment will extend the July 20 deadline for public comments on the proposed new rules until August 19. (On July 9, AAU sent campuses a draft copy of the comment letter by AAU and the Association of American Medical Colleges to help in their own institutional responses.)

The amendment was added amid news reports that a researcher sanctioned by Emory University was hired by the University of Miami and was told by a senior NIH official that the Emory sanctions would not apply to him in his new position and he would be fully eligible for new NIH grants.

The proposed rules generally are intended to modify existing regulations to expand and add transparency to investigators’ disclosures of significant financial interests; improve regulatory compliance, institutional oversight, and management of investigators’ financial conflicts of interests; and improve NIH’s compliance oversight.

OTHER

AAU CREATES NEW WEB SECTION ON RESEARCH: “SOCIETAL BENEFITS ILLUSTRATED”  NEW

AAU has created a new section on its website that consolidates several documents that illustrate the health, national security, and economic benefits of federally funded research, particularly at universities. The section, “Societal Benefits of Research Illustrated—An AAU Project,” includes such technologies as lasers, the global positioning system, vaccines, and diagnostic tools. Additional documents will be added as they are developed.

UPDATED AAU FACTS AND FIGURES AVAILABLE ON THE AAU WEBSITE  NEW

AAU has updated its document that describes the overall academic and economic impact of its 63 member universities, including its newest member, the Georgia Institute of Technology.
As a group, the 61 U.S. members of AAU received more than $18 billion in federal academic research expenditures in FY08, or about 58 percent of all federally funded research provided to colleges and universities. Those institutions also awarded 54 percent of the nation’s doctoral degrees in 2008 and educated 44 percent of all Teach for America participants (through 2009.)

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