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CONGRESSIONAL SCHEDULE   NEW

The House met today to consider two bills related to the Gulf oil spill: the first on oil spill response and liability (H.R. 3534), the second on whistleblower protections for offshore oil workers (H.R. 5851). The chamber was also scheduled to consider three bills under suspension.

The Senate met today and approved a short-term reauthorization for the Federal Aviation Administration (FAA) through September (H.R. 5900), clearing the measure for the President.

Meanwhile, when the Senate reconvenes on Monday, August 2, it will consider a cloture motion on a two-year FAA reauthorization bill (H.R. 1586), which will include $26.1 billion in added funding for states to avert public school layoffs and bolster Medicaid assistance. (The Medicaid funding had been included in the tax extenders legislation and the public school funding in the House version of the FY10 supplemental funding bill, but both were stripped out of the underlying bills.) The chamber also may take up an energy/oil spill package (S. 3663).

CQ Today reports that neither the FAA bill nor the energy bill is expected to receive the 60 votes needed for Senate passage, so Democratic leaders are likely to pull them from the floor, setting up consideration beginning Wednesday of the nomination of Elena Kagan to the U.S. Supreme Court. The Senate is likely to confirm her nomination before Senators leave for the August recess at the end of next week, the publication reports.

The House is expected to adjourn at the end of this week for the August recess, and is scheduled to return to session on Monday, September 13.
The House passed the $59 billion war funding bill (H.R. 4899) on July 27, sending the measure to President Obama, who signed it on July 29. The House vote was 308 to 114, with House Appropriations Committee Chairman David Obey (D-WI) among the 102 Democrats voting against it. (The summary of the bill listed on the Appropriations Committee website links to a document on the Democratic Policy Committee site.)

The bill includes $32 billion for the wars in Iraq and Afghanistan, as well as funding for foreign aid and disaster assistance. It does not contain the $10 billion to avert public school layoffs and the $4.95 billion to help address the Pell Grant shortfall that were included in the original House-passed bill. (As discussed below, the House FY11 Labor-HHS-Education appropriations bill includes $5.7 billion to cover the Pell Grant shortfall, but its Senate companion measure does not.)

Senate Democrats could not gather the 60 votes needed to approve the supplemental bill with the added domestic funding. The chamber instead reapproved its original version of the bill, which was then passed by the House and sent to the President.

The House on July 29 approved the first two of its FY11 appropriations bills: Transportation-HUD and Military Construction-VA. The remaining 10 funding bills have been approved by subcommittees in the House Appropriations Committee, but not yet in full committee.

The Senate Appropriations Committee has reported out nine of its 12 FY11 appropriations bills, with none yet considered on the Senate floor. Still awaiting subcommittee consideration are Defense, Interior-Related Agencies, and Legislative Branch.

Given the political and scheduling difficulties of moving the bills before the new fiscal year begins on October 1, Congress is expected to approve one or more continuing resolutions to fund programs until sometime after the November elections. This would be followed sometime in December—or later—with an omnibus package of most or all of the FY11 appropriations bills.

The Senate Appropriations Committee approved the FY11 Labor-HHS Education appropriations bill on July 29, essentially endorsing decisions made June 27 by its Labor-HHS-Education subcommittee. Committee approval came on a party line vote of 18 to 12. The bill provides the President’s requested $32 billion for the National Institutes of Health (NIH), an increase of $1 billion over FY10. The measure also aims to protect Pell Grants from cutbacks, but it includes no funds to cover the $5.7 billion program shortfall.
The Senate bill would provide a total of $169.6 billion in discretionary spending, which is $6.8 billion less than the comparable House total. The NIH funding, as noted in the committee press release, “includes $50 million to create a new Cures Acceleration Network (CAN) within the National Institutes of Health.” CAN was authorized in the health care reform act.

During the markup, Senator Arlen Specter (D-PA) offered an amendment to increase NIH funding by an additional $1 billion, to be paid for by a 0.726-percent across-the-board cut to all other programs in the bill. The amendment was defeated by a vote of 2 to 28. The Senator did not offer an expected second amendment to increase CAN funding by $50 million to a total of $100 million, offset by another across-the-board cut to non-NIH programs.

For student aid, funding would be $19.5 billion, which is $5.6 billion less than both the House bill and the President’s request but $200 million above the FY10 level. According to Inside Higher Ed, panel members said the discretionary funding for the Pell Grant program, in combination with mandatory spending, is sufficient to maintain the maximum Pell Grant award at $5,550. As noted, the bill does not address the issue of how to cover the program shortfall. Senate panel members said the shortfall would be discussed either on the Senate floor or in conference with the House.

The bill flat-funds graduate education programs and Supplemental Educational Opportunity Grants, as does the House bill. The Senate bill also would flat-fund the Leveraging Education Assistance Partnership program, rather than Zeroing out funding, as in the House bill. The TRIO programs would receive a $15 million increase in the Senate bill, similar to the House bill; the Gaining Early Awareness and Readiness for Undergraduate Programs program, which was level-funded in the House bill, would receive a $10 million bump-up in the Senate bill. Neither bill includes funding for the Perkins Loan program.

**HOUSE SUBCOMMITTEE APPROVES FY11 DEFENSE FUNDING**

The House Defense Appropriations Subcommittee approved its FY11 funding bill on July 27, but no details are yet available on funding for defense basic and applied research. CQToday reports that the $682 billion measure is $7 below the Administration’s FY11 request, and includes $604 million for the Defense Department’s Small Business Innovation Research (SBIR) program. The opening statement of Subcommittee Chairman Norm Dicks (D-WA) indicates that $504 million for SBIR is from the research and development account and $100 million from procurement accounts.

According to CongressDaily, Chairman Dicks said the additional funding for SBIR was aimed at helping small businesses that previously would have relied on earmarks for funding. “I was concerned…that when we ended earmarks for private companies that some of these for-profit private companies had good ideas and should be given an opportunity,” he said. “And the SBIR program is competitive so they can go over there and compete for this additional funding.”

The full House Appropriations Committee is not expected to take up the measure until Congress returns from the August recess in September, adds CQToday, and markup of the companion FY11 defense funding bill in the Senate subcommittee also will wait until September.
OTHER CONGRESSIONAL ISSUES

HOUSE HEARING EXAMINES OPPOSING VIEWS ON OPEN ACCESS TO RESEARCH RESULTS NEW

Public access to the results of federally funded research was the subject of a hearing held July 28 by the House Government Oversight Committee’s Subcommittee on Information Policy, Census, and National Archives. The Chronicle of Higher Education reports that Subcommittee Chairman William Lacy Clay, Jr. (D-MO) said in his opening remarks that the hearing was not connected to a specific bill, but convened “to examine the current state of federally funded research and to discuss the potential implications of increased access.”

Subcommittee members heard from three panels representing publishers, scientists, patient advocates, associations, and NIH, which is the federal agency that maintains the online repository, PubMed Central. The Scholarly Publishing Roundtable will submit a letter to the subcommittee for the record.

EXECUTIVE BRANCH

ASSOCIATIONS REITERATE OPPOSITION TO IMMIGRATION SERVICE’S COLLECTING EXPORT CONTROL INFORMATION NEW

A group of four associations, including AAU, submitted comments to the U.S. Citizenship and Immigration Service (USCIS) on July 29 reiterating their opposition to the agency’s adding a question about deemed export control licenses to its Form I-129. The document is filled out by U.S. employers who wish to hire foreign workers temporarily, including universities that wish to bring foreign scholars and researchers to the U.S. under H-1B visas.

The comments, submitted by AAU, the Association of Public and Land-grant Universities, the Council on Governmental Relations (COGR), and NAFSA: Association of International Educators, responded to a USCIS notice published in the June 30 Federal Register. Their letter referenced and included a copy of the letter submitted to USCIS on April 9 by AAU and COGR in response to the agency’s initial notice of the proposed change, published on February 8.

In their July 29 letter, the associations reiterated their view that with no regulatory authority over export controls, USCIS should not be collecting such information as part of the visa process. The fact that USCIS had worked with officials at the Department of Commerce Bureau of Industry and Security to more accurately describe export control regulations in their proposed question did not respond to this concern, they said. They also pointed out the additional compliance costs the new question would impose and suggested that consideration of such a change should await completion of the Administration’s ongoing review of export controls.

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