September 17, 2010

CONGRESSIONAL SCHEDULE  NEW
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Senate Appropriations Committee Approves FY11 Defense Funding Bill  UPDATED
AAU, APLU Urge White House to Increase Basic Research Funding in FY12 Budget

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Cell Phone Tax Provision Included In Senate-Passed Small Business Jobs Bill  NEW

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Legal and Legislative Actions Continue on Human Embryonic Stem Cell Research  NEW

CONGRESSIONAL SCHEDULE  NEW
Congress is out of session today. The Senate will reconvene on Monday, September 20, and the House on Wednesday, September 22.

When the Senate reconvenes, the chamber will continue work on the Defense authorization bill (S. 3454). Among the issues in play, Senate Democrats plan to add the DREAM Act to the bill, which would allow young illegal immigrants who graduate from U.S. high schools and were brought to the U.S. as minors to become citizens and attend college at in-state tuition rates.

The higher education associations have strongly supported the DREAM Act.

House Majority Leader Steny Hoyer (D-MD) said today that when the House convenes on Wednesday, it will take action on the small-business lending bill passed this week by the Senate (see item below).

BUDGET & APPROPRIATIONS
CONGRESSIONAL LEADERS PREPARE FY11 CONTINUING RESOLUTION  NEW

With Fiscal Year 2011 less than two weeks away and none of the FY11 appropriations bills approved by Congress, the congressional leadership has begun developing the continuing resolution (CR) that will keep federal agencies and programs funded through at least mid-November, following the November 2 elections.
CongressDaily reports that the terms of the CR are still being negotiated, but a bill could be considered in the House as early as next week.

Meanwhile, the Senate Appropriations Committee this week approved two FY11 funding bills: Defense (see below) and Legislative Branch, leaving just the Interior-Related Agencies bill to be considered by the panel. None of the Senate bills has reached the Senate floor. The House has approved two FY11 appropriations bills: Military Construction-VA and Transportation. The remaining 10 House bills have been marked up in their respective appropriations subcommittees, but not in the full Appropriations Committee.

SENATE APPROPRIATIONS COMMITTEE APPROVES FY11 DEFENSE FUNDING BILL  

The Senate Appropriations Committee approved its FY11 Defense funding bill on September 16, with apparently minimal changes from the measure approved September 14 by its Defense subcommittee. Approval came on a party line vote of 18 to 12. The House Defense Appropriations Subcommittee approved its version of the bill on July 27.

The Senate committee’s press release says the measure would provide about $670 billion in discretionary funding for the Defense Department, or about $8 billion below the President’s request and about $1 billion below the House bill.

Few details on research and development are provided in the release, other than that the measure would provide the Defense Advanced Research Projects Agency with funding sufficient to fully support all new starts requested in FY11 and continuation grants for projects started in FY10. In addition, the Senate bill would provide $358 million for health research, including $240 million for cancer research—divided up by breast, prostate, and ovarian cancers—$60 million for a “peer-reviewed” psychological health and traumatic brain injury research program, $50 million for a “medical research fund,” and $8 million for a “peer-reviewed” Gulf war illness research program.

Additional details on the Senate measure will be provided when they are available.

AAU, APLU URGE WHITE HOUSE TO INCREASE BASIC RESEARCH FUNDING IN FY12 BUDGET

AAU and the Association of Public and Land-grant Universities (APLU) sent a letter to the White House Office of Management and Budget on September 15 asking that the Administration’s FY12 budget “continue sustained growth for all federal basic research programs, retaining the targets to which the President has committed.”

The letter acknowledges the tremendous pressures on the federal budget, but says the need to reduce federal budget deficits is not a rationale “for slashing investments in our future economic growth and security.” It adds, “Steady growth in federally sponsored basic research provides the essential foundation for scientific progress and training and for ensuring our nation’s continued
competitiveness. These investments not only help our economy today, but also assure our economic competitiveness and national security in the future.”

The associations’ letter includes funding requests for the National Institutes of Health, the National Science Foundation, the DOE Office of Science and ARPA-E, Defense basic research and DARPA, NASA, the National Institute of Standards and Technology, the National Endowment for the Humanities, Department of Agriculture research and education programs, and select USAID programs.

OTHER CONGRESSIONAL ISSUES

TWENTY-FIVE SENATORS URGE FLOOR CONSIDERATION OF PATENT REFORM BILL   NEW

Under the leadership of the Chairman and Ranking Member of the Senate Judiciary Committee, a bipartisan group of 25 Senators wrote to Senate Majority Leader Harry Reid (D-NV) on September 15 asking him to schedule floor consideration as soon as possible for the Managers’ Amendment to S. 515, the Patent Reform Act. The letter was signed by 13 Democrats and 12 Republicans.

That same day, a coalition of more than 100 corporations, universities, and associations—including AAU—issued a press release commending Chairman Patrick Leahy (D-VT) and Ranking Member Jeff Sessions (R-AL) for their letter and endorsing floor action on the Managers’ Amendment. The release said that the amendment would make “needed reforms to the patent system and strengthen the ability of the U.S. Patent and Trademark Office to fulfill its mission.”

The Senators’ letter said, “Patent reform is bipartisan legislation, supported by the Administration, that will improve the economy and create jobs without adding to the deficit.” The Senators added that the Managers’ Amendment to S. 515 would speed up the application process, improve the quality and clarity of patents, move the U.S. patent system into greater harmony with the rest of the world, and bring greater predictability to patent infringement legislation. “We urge you to schedule the Manager’s Amendment for debate as soon as possible,” they said.

CELL PHONE TAX PROVISION INCLUDED IN SENATE-PASSED SMALL BUSINESS JOBS BILL   NEW

The Senate yesterday by a vote of 61-38 approved the Small Business Jobs Act (H.R. 5297), which includes the MOBILE Cell Phone Act (S. 144). The legislation removes cellular phones, smart phones, and other mobile communication devices from the application of IRS-listed property rules, which would relieve employers—such as colleges and universities—and their employees of costly record-keeping requirements.

According to CTIA-The Wireless Association, approval of the legislation “means individuals who have a business-provided mobile device are no longer required to record: (1) the amount of such expense or other items; (2) the time and place of the use of the property; (3) the business
AAU and other higher education organizations support this change in the law.

The House is expected to approve the Senate-passed bill next week and then send it to the President for signature.

OTHER

LEGAL AND LEGISLATIVE ACTIONS CONTINUE ON HUMAN EMBRYONIC STEM CELL RESEARCH  NEW

The U.S. Court of Appeals for the DC Circuit announced on September 16 that it would hear oral arguments on whether or not to uphold its temporary stay of the preliminary injunction barring federal funding of human embryonic stem cell (hESC) research. The hearing is scheduled for September 27, rescheduled from an earlier deadline of September 24. This extended deadline gives the National Institutes of Health (NIH) a few more days than expected to continue reviewing and funding hESC research projects.

The appeals court granted a stay of the August 23 preliminary injunction on September 9. While awaiting further court action, NIH has resumed funding projects using human embryonic stem cells and given priority to hESC awards.

Meanwhile, the motion filed by the plaintiffs for summary judgment of the original case before Judge Lamberth, in which the judge would rule on the case without a trial, continues to make its way through the legal system. A ruling on that request is not expected until after the appeals court has dealt with the injunction, which is unlikely to happen before early October.

On Capitol Hill, the Senate Labor-HHS-Education Appropriations Subcommittee held a hearing September 16 on hESC research. Subcommittee Chair Tom Harkin (D-IA) said the preliminary injunction had placed a “cloud of uncertainty” over the entire field of research, a sentiment echoed in the testimony of NIH Director Francis Collins.

Among those testifying in favor of the research were university researchers George Daley (Harvard/Children’s Hospital) and Sean Morrison (University of Michigan), who said that although they primarily used adult stem cells in their research, neither adult stem cells nor induced pluripotent stem cells were appropriate substitutes for embryonic stem cells. Opposition witnesses included Senator Roger Wicker (R-MS), who argued for upholding the eponymous Dickey-Wicker amendment and supporting adult stem cell research. An adult stem cell researcher from Wayne State University, Jean Peduzzi Nelson, discussed the promise of adult stem cells without addressing hESC research.

Senator Arlen Specter (D-PA), who also attended the hearing and spoke passionately in favor of preserving hESC research funding, introduced a bill on Monday to explicitly allow for hESC research under the Dickey-Wicker amendment. Senator Harkin also announced plans to introduce a bill, but may wait to do until the circuit court rules on upholding or dismissing the preliminary injunction.
In conjunction with the hearing, the Coalition for the Advancement of Medical Research (CAMR), of which AAU is a member, sent out the results of a poll to media, showing strong public support (68 percent) for Congress taking action to ensure federal funding of hESC research. A similar percentage (67 percent) disagreed with the judge’s decision to halt the research under the preliminary injunction. Polling results will soon be posted on the CAMR website.

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