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CONGRESSIONAL SCHEDULE  UPDATED

The House is out of session and will return after Thanksgiving on Monday, November 29. The Senate met today, with no roll call votes, and also will next convene on November 29.

Once Congress returns, it is likely to stay in session well into December, reports CQ.com, in part because the agenda-setting meeting between President Obama and congressional leaders was postponed from November 18 to November 30. The publication adds that Members are preparing “for partisan battles during the remainder of the lame-duck session over taxes, spending, defense, gays in the military, immigration, and nuclear arms policy.”

THE POST-THANKSGIVING LAME-DUCK AGENDA  UPDATED

As Republicans and Democrats met this week to organize themselves for the next Congress, the jockeying intensified over what should be addressed during the lame-duck session and what should be held over until the new Congress.

At a minimum, this Congress must approve a funding package to sustain federal government operations after the short-term continuing resolution (CR) expires on December 3 (see item below). There is a consensus that the Bush-era tax cuts should be extended in some form when they expire at the end of the year, although an agreement on how they should be extended is far from certain. Congress seems likely to approve another fix on physician Medicare reimbursements; the Senate on November 18 approved an extension of current reimbursement rates through December, which will provide more time to approve a longer-term solution. In addition, the Senate this week voted cloture on a food safety bill, and the Administration
continued to apply heavy pressure on the Senate to approve the START weapons-control treaty with Russia.

Senate Majority Leader Harry Reid (D-NV) said on November 17 that he planned to bring to the floor the Defense authorization bill, which includes the controversial repeal of the military’s “don’t ask, don’t tell” policy on gays, and a stand-alone version of the DREAM Act, which would provide a path to citizenship for some individuals brought to this country illegally by their parents, and which the higher education associations strongly support.

Earlier this week, the House failed to pass a three-month extension of unemployment benefits, setting up what Congress Daily terms a “post-Thanksgiving battle of tax cuts versus benefits.”

**BUDGET & APPROPRIATIONS**

**NO AGREEMENT YET ON FY11 APPROPRIATIONS PLAN  UPDATED**

Congressional leaders have not agreed on how they will finish work on the FY11 appropriations, but it appears increasingly likely they will not approve an omnibus appropriations bill but rather will use a continuing resolution (CR) that holds FY11 funding largely at FY10 levels. Although Senate Appropriations Committee Chairman Daniel Inouye (D-HI) continues to work toward agreement on an FY11 omnibus appropriations package, Senate Minority Leader Mitch McConnell (R-KY) said on November 18 that he would oppose such a measure, thus reducing the chances that it could pass the Senate.

*Politico* reports that House Republicans want a short-term CR that extends early into the next Congress, when they will control the House. This would provide the opportunity for them to try to move a series of rescissions to roll back funding for many programs to their FY08 levels. The White House is encouraging House Democrats to pass a full FY11 CR as a means of resisting further FY11 cuts.

House Republicans included a proposal in their policy document, “A Pledge to America” to cut domestic discretionary programs to their 2008 levels, exempting the Departments of Defense, Veterans Affairs, and Homeland Security.

**COALITION URGES FY11 INCREASE FOR NATIONAL SCIENCE FOUNDATION  NEW**

Under the auspices of the Coalition for National Science Funding, more than 125 associations and universities, including AAU, sent a letter to House and Senate appropriations leaders on November 17, urging them to provide $7.4 billion to the National Science Foundation (NSF) in the final FY11 appropriations package.

“With the U.S. currently experiencing a challenging economic environment,” said the letter, “robust investments in NSF should be viewed as part of a long-term strategy to address our economic vitality.”
The Obama Administration requested $7.424 billion for NSF in FY11, a $552 million, or eight percent, increase over FY10. The House Commerce-Justice-Science Appropriations Subcommittee approved the request; the Senate Appropriations Committee approved slightly less for the agency.

OTHER CONGRESSIONAL ISSUES

HOUSE PASSES RESOLUTION COMMEMORATING BAYH-DOLE ACT

The House of Representatives on November 15 approved a resolution (H. Con. Res. 328) that celebrates the 30th anniversary of the Bayh-Dole technology transfer act, which enabled universities and other nonprofit organizations to license inventions developed with federal funds. The resolution says, in part:

“1) …It is the sense of the Congress that—

(A) the Bayh-Dole Act (Public Law 96-517), as amended by Public Law 98-620, has made substantial contributions to the advancement of scientific and technological knowledge, fostered dramatic improvements in public health and safety, strengthened the higher education system, led to the development of new domestic industries and hundreds of thousands of new private sector jobs, and benefitted the economic and trade policies of the United States; and

(B) that Act remains critical to the future well being of the United States;

2) the Congress reaffirms both its support for this landmark legislation and the critical role that innovation, entrepreneurship, and job creation hold for the future of the United States, and its commitment to the policies and objectives of that Act…”

EXECUTIVE BRANCH

SENATE CONFIRMS JACOB LEW TO HEAD OMB  NEW

The Senate on November 18 confirmed the nomination of Jacob Lew as director of the White House Office of Management and Budget (OMB), after Senator Mary Landrieu (D-LA) released her hold on the nomination. Mr. Lew was nominated in July, following the resignation of his predecessor, Peter Orszag. This is his second tenure as OMB director.

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