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CONGRESSIONAL SCHEDULE  NEW

The Senate met today to debate the START nuclear arms treaty with Russia and is expected to be in session on Saturday.

Since the FY11 continuing resolution (CR) that is sustaining government funding expires on Saturday, both chambers may need to approve another short-term CR until a longer funding bill can be approved (see item below).

In addition, Senate Majority Leader Harry Reid (D-NV) announced that the Senate will begin procedural votes as soon as Saturday on the DREAM Act (see item below), which would provide a path to legal status for those brought to the U.S. illegally as children, and on a House-passed bill to repeal the military’s “Don’t Ask, Don’t Tell” policy on gay service members. The Senate is expected to continue debating the START treaty into early next week.

The House today approved the Defense authorization bill (H.R. 6523), minus the “don’t ask, don’t tell” language on gays in the military that helped stall the original bill. According to National Journal, the Senate could act on it later in the day. The House may act later today on a short-term CR.

BUDGET & APPROPRIATIONS
FY11 OMNIBUS FUNDING BILL DEAD; SHORT-TERM CR LIKELY  NEW
Senate Majority Leader Harry Reid (D-NV) last night gave up trying to move an FY11 omnibus appropriations package through the Senate, apparently settling for a short-term continuing resolution (CR) that would freeze most federal discretionary spending at FY10 levels for a few months into the New Year. Senator Reid was unable to overcome the broad resistance from Senate Republicans, several of whom had been expected to support the bill but reversed course following criticism that they had requested millions of dollars in earmarks in the bill.

The Majority Leader said he would work with Republican leaders to develop a short-term continuing resolution (CR) to extend federal funding “for a certain period of time” into the New Year. Such a short-term measure would provide Republicans an opportunity to modify FY11 spending decisions early next year, when they will control the House and have greater numbers in the Senate. The House-passed CR would last through the remaining nine months of the fiscal year.

If the House and Senate cannot agree on a single FY11 funding bill before midnight on December 18 when the current CR expires, they will need to approve another days-long CR to prevent a government shutdown.

**SENATE DEMOCRATS’ OMNIBUS PACKAGE WOULD HAVE INCREASED RESEARCH FUNDING** *UPDATED*

The FY11 omnibus appropriations package unveiled by Senate Democrats on December 14, which was abandoned on December 17 in the face of Republican opposition, was considerably more generous than the FY11 continuing resolution (CR) approved on December 8 by the House. While the House CR would level fund most discretionary programs, the Senate measure, which included all 12 FY11 appropriations bills, increased overall discretionary spending in FY11 by something less than two percent. The omnibus still provided $29 billion less than the Administration’s overall FY11 request.

The omnibus boosted funding for the National Institutes of Health, the National Science Foundation, and the National Endowment for the Humanities, while science programs at NASA and energy research programs at the Department of Energy were largely level funded. As with the House-passed CR, the omnibus bill contained the $5.7 billion needed to cover the Pell Grant shortfall and ensure that maximum award levels do not drop in the 2011-2012 academic year.

The package included about $8 billion in congressional earmarks, which were not included in the House CR.

For the National Institutes of Health (NIH), the omnibus provided $31.8 billion, an increase of $750 million over the FY10 level. It included $50 million for the Cures Acceleration Network (CAN); the House CR would allow NIH to use up to $25 million from the Office of the Director to initiate the new program. It was reported earlier that the omnibus extended the NIH policy on providing public access to the results of federally funded research to other federal agencies with external research budgets of more than $100 million. Instead, the provision was more limited, extending the new rule only to agencies funded by the Labor-HHS-Education appropriations bill.
The National Science Foundation (NSF) received $7.345 billion in the omnibus, $418 million above the FY10 level and $79 million less than the Administration’s FY11 request. Within that total, Research and Related Activities received $5.9 billion, Major Research Equipment and Facilities Construction $157 million, and Education and Human Resources $900 million.

The omnibus funded NASA at $18.9 billion, an increase of $186 million above FY10 and $90 million less than the Administration’s FY11 request. As with the House bill, the measure provided $5 billion for NASA Science, $579 million for Aeronautics, $559 million for Space Technology, and $180 million for Education.

For the Department of Energy (DOE), the omnibus level funded the DOE Office of Science at $4.9 billion, the Energy and Efficiency Renewable Energy programs at $2.2 billion, and Fossil Energy at $672 million. Nuclear Energy would have received $775 million, or $11 million less than FY10 funding.

The Committee press release said the omnibus included funding to initiate a new innovation hub for batteries and energy storage in the DOE Office of Science, and would provide $200 million for the Advanced Research Projects Agency-Energy (ARPA-E). The House CR does not include funding for the new hub. And while the House bill allows DOE to fund ARPA-E at up to $300 million, it includes no new funding, requiring DOE to fund the new agency by transferring funds from the Office of Science or the Energy Efficiency and Renewable Energy program.

The National Endowment for the Humanities (NEH) was allocated $170 million in the omnibus bill, an increase of $2.5 million above the FY 2010 enacted level and $8.7 million above the President’s FY 2011 request.

CONGRESS APPROVES TAX PACKAGE UPDATED

The House last night approved the Tax Relief, Unemployment Insurance Reauthorization and Job Creation Act of 2010 (H.R. 4853) on a vote of 277 to 148, sending the measure to the President for signature. The Senate approved the package December 15 on a vote of 81 to 19.

The package, which was negotiated between the White House and congressional Republicans, would extend for two years the expired and expiring tax provisions of concern to higher education. The proposal would extend the American Opportunity Tax Credit, the student loan interest deduction, Section 127 employer-provided educational assistance, and Coverdell education savings accounts. It also would restore three tax benefits that expired at the end of 2009: the above-the-line deduction for qualified educational expenses, the IRA charitable rollover, and the R&D tax credit.

The higher education associations urged the extension of the higher education provisions in a letter that was sent to congressional tax leaders on November 30.

During Senate floor consideration of the bill, Senator Tom Coburn (R-OK) offered an amendment to offset the $45 billion cost of extending unemployment benefits for 13 months by cutting specified government funding. Among other items, his amendment would have reduced research, development, testing, and evaluation at the Department of Defense by 10 percent and
eliminated the administrative cost allowance for campus financial aid offices. The Coburn amendment failed on a vote of 47 to 52.

OTHER CONGRESSIONAL ISSUES

SENATE PASSES AMERICA COMPETES ACT REAUTHORIZATION  NEW

By unanimous consent, the Senate this afternoon approved a three-year reauthorization of the America COMPETES Act (H.R. 5116). The measure, which is a slimmed-down version of the bill approved in May by the House, will now return to the House for consideration.

The bill would provide the following funding authorization levels:

- NSF and the National Institute of Standards and Technology: the President’s budget request numbers for three years;
- Department of Energy Office of Science: the House numbers for three years; and
- ARPA-E: $300 million, and adjusted for inflation for years two and three.

Earlier today, House Science and Technology Committee Chairman Bart Gordon (D-TN) issued a statement supporting the Senate bill, saying: “I believe the compromise being sent over from the Senate is a fair and reasonable proposal that maintains the broader goals of the COMPETES Act—increasing our investment in research, improving STEM education, and harnessing the spirit of American innovation to ensure our economic competitiveness now and in the future.”

AMERICA COMPETES LEGISLATION WOULD CREATE INTERAGENCY PUBLIC ACCESS COMMITTEE  NEW

The Senate-passed America COMPETES Act also includes language under the Office of Science and Technology Policy (OSTP) section to create an interagency public access committee. As discussed in the section-by-section summary of the bill, the committee would “coordinate Federal science agency research and policies related to the dissemination and long-term stewardship of the results of federally supported unclassified research, including digital data and peer-reviewed scholarly publications. The working group would be directed to take into consideration input from non-Federal stakeholders to maximize the benefit of federally supported research.”

This language incorporates key recommendations made by the Scholarly Publishing Roundtable in its January, 2010 report. The Roundtable, an expert panel of librarians, library scientists, publishers, and university academic leaders, was convened by the House Science and Technology Committee, in collaboration with OSTP, to examine the current state of scholarly publishing and seek consensus recommendations for expanding public access to scholarly journal articles.

SENATE TO CONSIDER HOUSE-PASSED DREAM ACT  UPDATED

As discussed above, Senate Majority Leader Harry Reid (D-NV) has said the Senate may vote on cloture tomorrow for the House-passed version of the Development, Relief, and Education for
Alien Minors (DREAM) Act of 2010 (H.R. 6497). The measure would provide a legal pathway for young adults brought to the United States as children who have completed two years of either college or military service.

The House approved the bill on December 6 by a vote of 216-198.

EXECUTIVE BRANCH

INNOVATION TASK FORCE PRAISES INVESTMENT COMPONENT OF FISCAL COMMISSION REPORT

The Task Force on American Innovation, in which AAU participates, issued a statement on December 10 praising the National Commission on Fiscal Responsibility and Reform for recommending that the nation make predictable and sustained federal investments in research and education, even as it takes needed actions to reduce federal budget deficits.

“As representatives of high-tech and other industries, universities, and professional societies,” said the statement, “we strongly agree with the Bowles-Simpson Commission majority that we must invest in education, infrastructure, and high-value research and development to help our economy grow, keep us globally competitive, and make it easier for businesses to create jobs. ”

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