CONGRESSIONAL SCHEDULE  NEW

The Senate met today in pro forma session. When the chamber resumes legislative business on Tuesday, September 6, it will take up a federal nomination, to be followed by a cloture vote on the House-passed patent reform bill, the America Invents Act (H.R. 1249).

The House also met today in pro forma session, and will also meet in pro forma session on September 6. At this writing, no legislative program has been announced for next week.

On the evening of Thursday, September 8, President Obama will address a joint session of Congress on his jobs proposal.

BUDGET & APPROPRIATIONS

SENATE APPROPRIATIONS COMMITTEE TO BEGIN MARKUPS NEXT WEEK  UPDATED

The Senate Appropriations Committee will begin moving its FY12 bills next week as soon as the Senate returns from the August recess on September 6. Two bills will be marked up that day in their respective subcommittees: Energy and Water and Homeland Security.

The following day, the full committee will meet to adopt the FY12 spending cap and allocate funding among the panel’s 12 subcommittees. According to the committee press release, the panel will also mark up three appropriations bills: Energy and Water, Homeland Security, and Agriculture. The full Senate has approved just one funding bill, Military Construction-Veterans.

Senate Democratic leaders delayed approval of an FY12 budget resolution, which sets the discretionary spending ceiling for the fiscal year, because they could not gain majority support for any particular level of spending. The issue was resolved on August 2 with enactment of the Budget Control Act, which included a discretionary spending total of $1.043 trillion for FY12.
That is $7 billion less than the FY11 level, but about $23 billion more than the level in the House-passed FY12 budget resolution.

Earlier this year, the House passed its FY12 budget resolution, which cut $30 billion from discretionary spending in FY11, and then approved six of its 12 appropriations bills based on those numbers. The remaining bills include Commerce-Justice-Science, which funds the National Science Foundation and NASA, and Labor-HHS-Education, which funds the National Institutes of Health and student aid.

At this writing, House Republican leaders have not said how they will move forward on the remaining FY12 bills in light of the increased spending total, but they have expressed support for abiding by the higher overall number. House Majority Leader Eric Cantor (R-VA) said in a memorandum to his Republican colleagues on August 17, “While all of us would like to have seen a lower discretionary appropriations ceiling for the upcoming fiscal year, the debt limit agreement did set a level of spending that is a real cut from the current year level. I believe it is in our interest to enact into law full-year bills at this new lower level.” House Appropriations Committee Chairman Hal Rogers (R-KY) stated his commitment to maintaining “the responsible 2012 spending level agreed to by the House, Senate, and White House under the recent debt ceiling agreement.”

While the Senate appropriations process is finally moving forward, the new fiscal year is just one month away, so there seems little chance that the House and Senate can approve all of their bills and reconcile them with one another by October 1. The more likely scenario is congressional approval of one or more continuing resolutions to sustain funding into the new fiscal year, followed by some type of omnibus appropriations package.

**EXECUTIVE BRANCH**

**HHS EXTENDS RESPONSE DEADLINE FOR ANPRM ON HUMAN SUBJECTS RESEARCH PROTECTION**

The Department of Health and Human Service (HHS) has announced that it is extending by 30 days the comment period for responses to the Advanced Notice of Proposed Rulemaking (ANPRM) on human research subjects protections. The new comment deadline is Wednesday, October 26, 2011.

Earlier this month, AAU and the Association of Public and Land-grant Universities requested an extension of the deadline, citing concerns over responding to such a complex proposal in a short period of time. Their August 2 letter said:

“…we are concerned that the 60-day comment period provided is insufficient to provide substantive input on the extensive and detailed questions and proposals outlined in the ANPRM. In order to ensure a thoughtful and thorough response, the research community needs adequate time to consult with our investigators and other stakeholders, many of whom use the summer/non-academic year months to conduct research and are, as a consequence, less available.”

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