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NOTE:  The next AAU Weekly Wrap-up will be published on January 6. (We mean it this time.) The AAU staff wishes you all Happy Holidays!

CONGRESSIONAL SCHEDULE  NEW

As Washington waits to see if House Republicans will bend to pressure to approve the Senate-passed two-month extension of expiring tax provisions, the House schedule is vague. The House met in pro forma session yesterday and is scheduled to meet in pro forma session tomorrow, December 23, but no other information has been published.

The Senate is out of session. The chamber is scheduled to meet twice a week in pro forma session through the rest of December, and then will reconvene for the second session of the 112th Congress on Tuesday, January 3.

BUDGET & APPROPRIATIONS

CONGRESS FAILS TO EXTEND EXPIRING TAX AND POLICY PROVISIONS  NEW

The Senate on December 17 approved a two-month extension of several expiring tax and policy provisions on a bipartisan vote of 89 to 10, but House Republican leaders, apparently faced with a rebellion in their ranks, rejected the deal and called for a House-Senate conference to work out a year-long extension. With Senate Democrats and the White House holding firm, Senate Republicans providing no support, and even the conservative Wall Street Journal editorial page urging approval of the two-month extension, however, House Republicans are facing significant pressure to approve the measure before the end of the year.
Senate Majority Leader Harry Reid (D-NV) and Minority Leader Mitch McConnell (R-KY) had originally hoped to reach agreement on a full-year extender package, but they could not settle on how to pay for it; they agreed on the short-term extension to provide time to continue negotiations early next year. News reports indicate that Senate leaders believed House Speaker John Boehner (R-OH) supported the short-term extension. But the House Republican caucus rejected the measure, and the House voted instead to appoint conferees to a formal conference.

The two-month Senate-passed package includes extensions of the payroll tax holiday, unemployment benefits, and the Medicare “doc fix,” which prevents a significant cut in Medicare payments to physicians. The measure also includes a provision from the House-passed extender bill that requires the President to speed up his decision on the controversial Keystone oil pipeline.

The House approved its own one-year extension of the provisions (H.R. 3630) on December 13 by a vote of 234 to 193. Along with the extenders, the package contains the provision on the Keystone pipeline, as well as provisions to reduce the length of unemployment benefits, impose a one-year pay freeze on federal employees, and cut funding for the health care reform law.

Politico reported last week that approval of the House bill was largely a “message vote” that “set the stage again for a final, frenzied bout of deal making that has defined this divided Congress.” But having run out of time, further negotiations on the one-year extenders bill apparently will wait to January.

Regarding other tax provisions expiring on December 31—such as the IRA Charitable Rollover, the above-the-line tuition deduction, and the R&D tax credit—Senate Finance Committee Chairman Max Baucus (D-MT) said expiring tax provisions would be considered in the new year. In some previous years, those provisions have been reauthorized retroactively. (It should be noted that the payroll tax holiday and other high-profile items can also be extended retroactively if the House fails to act now on the two-month extension.)

**FY12 OMNIBUS FUNDING PACKAGE ENACTED**

Congress gave final approval to the FY12 “megabus” package of nine appropriations bills (H.R. 2055), on Saturday, December 17, and the President signed it into law. The House had approved the measure on December 16. The last-minute deal averted a partial government shutdown when the FY12 continuing resolution (CR) expired at midnight December 16. (The other three FY12 appropriations bills were approved as a package on November 18.)

Both chambers also passed a measure providing $8.6 billion in emergency disaster aid for the rest of FY12 (HR 3672). The Senate rejected a companion House measure that would have covered the cost of that aid with a 1.8 percent across-the-board cut in all discretionary spending except in Defense and Military Construction-Veterans (H. Con. Res. 94).

Agencies and programs funded in the nine-bill package include the National Institutes of Health, student aid and higher education programs, Departments of Energy and Defense science programs, and the National Endowment for the Humanities. (See AAU Weekly Wrap-up, December 16, 2011 for agency funding details.)
The agencies and programs funded in the earlier three-bill “ minibus” (H.R. 2112) included the National Science Foundation, NASA, and the Agriculture Food Research Initiative. (See AAU Weekly Wrap-up, November 18, 2011 for agency funding details.)

**AAU UPDATES TABLE ON FY12 APPROPRIATIONS PRIORITIES  NEW**

AAU has updated on its website the table of FY12 appropriations priorities. The updated table can be found here. The separate FY12 appropriations tables for Department of Energy and Department of Defense research also have been updated.

**SENATOR COBURN’S “WASTEBOOK 2011” TARGETS SOME NSF, NIH GRANTS  NEW**

Senator Tom Coburn (R-OK) has released a new report, Wastebook 2011,” which he says “details 100 of the countless unnecessary, duplicative and low-priority projects spread throughout the federal government.” The report includes some examples of research funded by NSF and NIH. Those interested may wish to view AAU’s one-page discussion of the scientific peer review process, along with the three editions of the “Scientific Enquirer,” which highlights examples of “funny-sounding” research that have led to important discoveries.

**OTHER CONGRESSIONAL ISSUES**

**HOUSE JUDICIARY COMMITTEE POSTPONES THIRD MARKUP OF SOPA  NEW**

Although the House Judiciary Committee announced last week that it planned to hold a third markup session for the controversial Stop Online Privacy Act (SOPA) (H.R. 3261) on December 21, the session did not take place. AAU staff anticipates that the Committee will resume consideration of the bill as early as feasible in the new year, and that the measure will continue to be the subject of heated debate. The panel held markup sessions on H.R. 3261 on December 15 and 16.

Senator Reid (D-NV) has scheduled a vote on the Senate companion bill, Protect IP (S. 968), for January 24.

As reported last week, Rep. Darrell Issa (R-CA) and Senator Ron Wyden (D-OR) have introduced the Online Protection and Enforcement of Digital Trade Act, intended as an anti-piracy alternative to both bills, which aims to address what the bill’s sponsors see as some of the most contentious provisions in H.R. 3261 and S. 968.

A group of four associations, including AAU, sent a letter dated December 13 to Committee Chair Lamar Smith (R-TX) and Ranking Member John Conyers (D-MI) commending them for addressing a number of concerns the associations had raised with the bill as introduced but noting that the recently circulated manager’s amendment carries forward problematic provisions from the bill as introduced. The letter, sent by EDUCAUSE, AAU, the Association of Public and Land-grant Universities, and the American Council on Education, expressed particular concern about provisions governing video streaming. They said that, as written, the provision could impose criminal liability on non-profit, good-faith institutions and their employees.
The White House Office of Science and Technology Policy (OSTP) announced on December 21 that it was extending by 10 days the deadline for responding to its Request for Information (RFI) on public access to peer-reviewed publications. The new deadline is January 12, 2012. The RFI deadline is now the same as that for a related RFI that OSTP issued the same day regarding management of digital scientific research data. AAU will submit comments on the public access RFI.

The RFI on public access requests “recommendations on approaches for ensuring long-term stewardship and broad public access to the peer-reviewed scholarly publications that result from federally funded scientific research.” Information provided to OSTP will help inform the work of the National Science and Technology Council’s Task Force on Public Access to Scholarly Publications.

AAU submitted comments on an earlier OSTP call for recommendations on this topic, which the association based on recommendations from the Scholarly Publishing Roundtable. AAU will base its comments for the current RFI on the Roundtable recommendations as well as the provisions of Section 103 – Interagency Public Access Committee – of the reauthorized COMPETES Act, which also were based on those recommendations.

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