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CONGRESSIONAL SCHEDULE   NEW

Congress was not in session today. Both chambers will reconvene on Monday, April 23. At that time, the Senate will take up a motion to consider the Violence against Women Act (S. 1925), and will consider a judicial nomination. The Senate also will consider the Postal Reform bill (S. 1789) next week.

The House next week is scheduled to consider the Digital Accountability and Transparency Act (H.R. 2146) on Wednesday, April 25, under suspension of the rules. Other bills expected on the House floor next week include a small business tax bill (H.R. 3336) and the Cyber Intelligence Sharing and Protection Act (H.R. 3523).

BUDGET & APPROPRIATIONS

SENATE BUDGET COMMITTEE HOLDS MEETING BUT NO Markup   NEW

Senate Budget Committee Chairman Kent Conrad (D-ND) convened the committee on April 18 to discuss his long-term budget plan, but he did not take votes or allow amendments, reports CQ.com. Rather, the Senator used the session to present the plan, which is based largely on the framework developed by the presidential Bowles-Simpson commission, and to say he hoped it would be part of the spending and tax negotiations expected after the November elections.

Although Senator Conrad had said last week that he would hold a committee markup this week, he apparently backed off at the request of Senate Democratic leaders. Those leaders have insisted there is no need to mark up an FY13 budget resolution because last year’s Budget Control Act (BCA) has already set the FY13 level for discretionary spending.
resolution is a congressional document that is not signed into law by the President, but is used to set congressional spending and revenue priorities. One of its most important features is the limit it sets on discretionary spending in a given fiscal year.)

SENATE APPROPRIATIONS COMMITTEE APPROVES 302(B) ALLOCATIONS

Reinforcing the view of Senate Democratic leaders that the BCA has made approval of an FY13 budget resolution unnecessary, the Senate Appropriations Committee on April 19 approved its allocation of FY13 discretionary spending among its 12 subcommittees. The panel based its so-called “302(b)” allocations on the BCA-approved discretionary spending total of $1.047 trillion. The bipartisan committee vote was 27 to 2, with supporters including two Senate Republican leaders: Minority Leader Mitch McConnell (R-KY) and Senator Lamar Alexander (R-TN).

The committee allocation to the Labor-HHS-Education Subcommittee is $157.7 billion, an increase of $1.4 billion over the FY12 enacted level; the Commerce-Justice-Science Subcommittee received $51.86 billion, which is $1 billion below the FY12 enacted level.

HOUSE AND SENATE APPROPRIATIONS COMMITTEES BEGIN FY13 MARKUPS

The House and Senate Appropriations Committees have begun the challenging task of marking up their FY13 funding bills, using discretionary spending totals that are not only below the FY12 levels but also $19 billion apart. As discussed above, the Senate is using the discretionary spending total for FY13 that was approved last August as part of the BCA, which is $4 billion below the FY12 level. The House is working with $19 billion less than the Senate, but because its plan would raise defense spending by $8 billion, its measure actually would fund non-defense programs at $27 billion below the Senate level.

The White House weighed in on the issue this week. Acting Office of Management and Budget (OMB) Director Jeffrey Zients sent House Appropriations Committee Chairman Harold Rogers (R-KY) a letter saying that until the House agrees to abide by last summer’s BCA agreement on discretionary spending, the President will be unable to sign any appropriations bills.

For NSF and NASA. The FY13 funding bill approved on April 18 by the full Senate Appropriations Committee would provide $7.3 billion for NSF, which the committee press release indicates is a $240 million increase over FY12.

For NASA, the Senate bill would provide $19.4 billion, an increase of $1.6 billion over the FY12 level. However, the increase results from moving the acquisition of weather satellites from the National Oceanographic and Atmospheric Administration to NASA, so funding for current NASA programs would actually be cut by $41.5 million from the FY12 level. The bill includes $5 billion for Science programs, which is $69 million below the FY12 level. The measure restores $100 million of the Administration’s proposed $307 million cut to planetary science programs.
In the House, the FY13 funding bill marked up in subcommittee on April 19 includes $7.3 billion for NSF, which the committee statement says is $299 million above the FY12 level and $41 million below the President’s request. The statement adds that the increase is “provided to core research and education activities…including funding for an advanced manufacturing science initiative and for research in cyber-security and cyber-infrastructure.”

The House bill would fund NASA at $17.6 billion, which is $226 million below the FY12 level and $138 million below the President’s FY13 request. NASA Science programs would receive $5.1 billion, which the statement says is $5 million above the FY12 level. In response to the Administration’s proposed steep cuts to Mars exploration, the bill provides $150 million for the Mars Next Decade mission and requires the National Research Council (NRC) to certify that the Mars Next Decade mission concept will lead to the Mars Sample Return mission. If the NRC were to report that this would not happen, the $150 million would be reallocated to development of a Jupiter Europa orbiter.

The House subcommittee mark also includes $628 million for the James Webb Telescope, $570 million for Aeronautics, $632 million for Space Technology, and $24 million for the National Space Grant College Program.

DOE Office of Science. The bill approved on April 18 by the House Energy and Water Appropriations Subcommittee would fund the DOE Office of Science at $4.824 billion, which is $64 million below the final enacted FY12 level and $168 million below the President’s FY13 request. The Advanced Research Projects Agency-Energy (ARPA-E) would receive $200 million in the House bill, which is $75 million below FY12 and $150 below the President’s FY13 request.

OTHER

SENATOR BAYH REFUTES KAUFFMAN “FREE AGENCY” PROPOSAL FOR TECHNOLOGY TRANSFER

*The Atlantic* has published an op-ed by former Senator Birch Bayh and Joseph Allen on the importance of retaining technology transfer management in universities rather than giving that role to individual inventors, as recommended by the Kauffman Foundation in its so-called “free agency” proposal.

The op-ed, “School Power: The Case for Keeping Innovation in the Hands of Universities,” notes that by empowering universities to own and manage their inventions, the Bayh-Dole Act created a system of technology transfer that “is by far the most effective in the world,” and one that several nations, such as Japan, China, and India, are now imitating in an effort to better compete with us. “Bayh-Dole makes the university a steward of the public interest,” they write.

The authors raise several practical concerns about the Kauffmann proposal. These include how individual inventors would cover the upfront costs of licensing, and what would happen to breakthroughs like biotechnology “where decades are needed for commercial products to appear.” If inventors are placed in charge of licensing their inventions, say the two authors, broader public interests “could be lost to the temptation to maximize immediate profits.”

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