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CONGRESSIONAL SCHEDULE  NEW

The House and Senate met in pro forma session today, with no votes. Both chambers will be out of session next week for the Thanksgiving holiday. The House will return on Monday, December 2; the Senate will return the following week, on Monday, December 9.

BUDGET & APPROPRIATIONS

NO PROGRESS APPARENT IN FY14 BUDGET TALKS  NEW

House and Senate negotiators on the FY14 budget appear not to have made any progress on a top-line discretionary spending number before leaving for the congressional recess, reports CQ.com. Appropriators had hoped that the conference committee could give them the top-line figure by today so they could begin work on an FY14 omnibus appropriations package. House and Senate appropriations committee leaders have said they need at least 30 days to develop a 12-bill appropriations package. The current FY14 continuing resolution (CR) expires on January 15, at which time additional sequestration budget cuts are scheduled to kick in.

Meanwhile, reports the publication, House Speaker John Boehner (R-OH) has said that if the FY14 budget conference committee is unable to reach an agreement, the House will try to move a CR at the discretionary spending level of $967 billion, the amount set in the House-passed FY14 budget resolution (H. Con. Res 25). This amount assumes continuation of budget sequestration. The Speaker did not say how such a measure would divide spending between defense and nondefense programs. The Budget Control Act sets those amounts at $498 billion.
for defense and $469 billion for nondefense for FY14. However, the House-passed budget resolution broke the defense spending cap, taking the additional funds out of nondefense spending. The publication notes that the additional cuts to nondefense spending made it impossible for the House to pass several of its FY14 nondefense appropriations bills. The Senate-passed FY14 budget resolution (S Con. Res. 8) set the FY14 discretionary spending cap at the pre-sequester level of $1.058 billion.

MEDICAL RESEARCH AND HEALTH GROUPS URGE BUDGET CONFEREES TO REPLACE SEQUESTRATION

A group of more than 175 organizations, universities, and health care providers on November 12 sent a letter to House and Senate conferees on the FY14 budget. The letter urged conferees to “work together on a responsible FY 2014 budget agreement that replaces sequestration with a balanced plan that recognizes the significant cuts already made to discretionary programs, preserves the nation’s investment in medical research, and protects the health of the American people.” Signers included AAU and a number of AAU universities.

OTHER CONGRESSIONAL ISSUES

HOUSE JUDICIARY COMMITTEE APPROVES PATENT LITIGATION BILL

The House Judiciary Committee marked up the Innovation Act (H.R. 3309) on November 20, approving the bill by a vote of 35-5. The measure, which aims to address abusive patent litigation, is expected to go to the House floor the first week in December.

The most substantive amendment adopted, offered by Rep. Hakeem Jeffries (D-NY), improved the fee-shifting provision in the bill. The amendment lowered the threshold for a court to waive the requirement for a non-prevailing party to pay reasonable fees and other expenses to the prevailing party. The provision in the bill would permit waiving the fee-shifting requirement if the court found that the position and conduct of the non-prevailing party were “substantially justified or that special circumstances make an award unjust.” The amendment lowered this threshold to a court finding that the position and conduct were “reasonably justified in law and fact or that special circumstances (such as severe economic hardship to a named inventor) make an award unjust.”

Fee-shifting is one of the major concerns of the higher education associations addressing patent litigation reform legislation. Although the Judiciary Committee’s improvement is welcome, the fee-shifting provision remains problematic, and the elements of the bill that create concerns for the higher education associations, as described in a November 8 letter, remain in the legislation.

Meanwhile, Senate Judiciary Committee Chairman Patrick Leahy (D-VT) on November 18 introduced the Patent Transparency and Improvements Act of 2013 (S. 1720). The Senate bill is less expansive than H.R. 3309 and omits several provisions of concern for universities. The associations are currently reviewing the legislation.

DATA ACT MAKES PROGRESS IN CONGRESS
The House of Representatives on November 18 approved its version of the Digital Accountability and Transparency Act (DATA Act, H.R. 2061), legislation aimed at providing the public with “consistent, reliable, and searchable government-wide spending data” on contracts, loans, and grants. The vote was 388 to 1.

In the Senate, the Homeland Security and Government Affairs Committee on November 6 approved a slightly different version of the DATA Act (S. 994). The measure now moves to the full Senate for consideration, but it is unclear when.

AAU supports both versions of the legislation because each (1) provides greater financial transparency for federal grant and contract award funds; (2) requires the Treasury Department to establish government-wide data standards; and 3) requires the Office of Management and Budget to consult with stakeholders, such as institutions of higher education, in identifying ways to streamline reporting requirements. The association has concerns about a pay-for provision in H.R. 2061 that would reduce federal agency travel expenditures. Such a provision could impair scientific communications and collaborations with federal science officials.

OTHER

AAU “MEDICINE CABINET” HIGHLIGHTS LIFE-SAVING DRUGS FROM NIH-FUNDED RESEARCH

AAU has published the AAU Medicine Cabinet, a new interactive illustration that highlights lifesaving drugs and preventative treatments that owe their creation to research funded by the National Institutes of Health (NIH). These drugs and treatments, which have saved millions of lives, include statins and beta-blockers for heart disease and stroke, Prozac for depression, AZT for AIDS, and bioengineered human insulin for diabetes. (A handout version is available here.)

The AAU Medicine Cabinet joins other materials on the association’s Societal Benefits-Illustrated webpage that identify the role of federally funded basic research in development of inventions that have become integral to modern life. These include semiconductors, the iPod, Google, global positioning systems, and technologies that support and protect U.S. troops in combat.

NAE LAUNCHES ENGINEERING FOR YOU (E4U) VIDEO CONTEST

In celebration of its upcoming 50th anniversary, the National Academy of Engineering (NAE) has launched Engineering for You (E4U), a video contest to highlight the impact that engineering has had or will have on society. Participants are asked to produce a one-to-two-minute video showing how engineering improves our quality of life and serves the needs of society. The video must highlight a period during the years 1964-2064.

The competition is open to individuals and teams, with a grand prize of $25,000. The contest runs from Nov. 1, 2013, to March 31, 2014.
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