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CONGRESSIONAL SCHEDULE  NEW

Both the House and Senate are out of session today and will not return until after the week-long St. Patrick’s Day recess. The Senate will return to session on Monday, March 27; the House will return on Tuesday, March 28.

BUDGET & APPROPRIATIONS

SENATE APPROVES ITS FY07 BUDGET RESOLUTION; HOUSE ACTION DELAYED  NEW

The Senate yesterday approved its version of the FY07 budget resolution (H. Con. Res. 83) on a narrow vote of 51-49, after approving more than $16 billion in added spending. Five Republicans and one Democrat voted in favor of final passage. Along with the $7 billion Specter/Harkin amendment for education, public health, and labor programs (see item below), the Senate approved amendments to add spending in a variety of areas, including low-income energy subsidies, cancer research and prevention, greater IRS enforcement, survivors benefits for military families, and funding to avoid a proposed airline ticket fee
increase. The chamber also approved an amendment to increase the spending cap for defense by $3.7 billion.

In addition to spending, the budget resolution includes a provision to open oil exploration in Alaska’s Arctic National Wildlife Refuge, a proposal that sparked a major battle last year that helped delay completion of the appropriations process until late December.

*CQToday* reports that House Republican leaders have delayed drafting their version of the FY07 budget resolution while “conservative and moderate factions negotiate behind the scenes.” The publication reports that House conservatives are hinting they might vote down a budget plan that does not restrain entitlement spending and likely will resist lifting the discretionary spending cap proposed by the Administration. At the same time, *CongressDaily* reports that a group of 23 Republican moderates have written to House Speaker Dennis Hastert (R-IL) threatening to oppose the budget resolution and later appropriations bills unless House leaders agree to a two-percent increase of about $8 billion for non-security discretionary spending.

**SENATE APPROVES SPECTER/HARKIN BUDGET AMENDMENT**

*NEW*

The Senate yesterday afternoon approved the FY07 budget resolution amendment offered by Senators Arlen Specter (R-PA) and Tom Harkin (D-IA) by a vote of 73-27. Specter/Harkin adds $7 billion above the Senate Budget Committee-approved amount for health, education, and labor programs. Technically, it does not raise the FY07 discretionary spending cap but instead increases the advance funding limit in FY08.

Senator Specter earlier had threatened to vote against final passage of the Senate budget resolution unless he received a commitment from GOP leaders for funding increases during the appropriations process. After the vote, he told *CQToday* that he had received commitments from Senate Majority Leader Bill Frist (R-TN) and Appropriations Committee Chairman Thad Cochran (R-MS) that the Labor/HHS/Education Appropriations Subcommittee, which he chairs, would receive an extra $10 billion—$3 billion added by the Budget Committee and $7 billion by the Specter/Harkin amendment.

AAU President Nils Hasselmo issued a statement thanking the Senate for passage of the Specter/Harkin amendment and sent thank-you letters to both Senators. The statement and the letters are available on the AAU Web site at: [http://www.aau.edu/budget/fy2007.cfm](http://www.aau.edu/budget/fy2007.cfm).

**HOUSE APPROVES $92 BILLION FY06 SUPPLEMENTAL**

*NEW*

The House yesterday approved the President’s FY06 supplemental funding request of $91.9 billion for war costs and hurricane recovery (H.R. 4939) by a vote of 348-71. The measure includes the $67.6 billion the President requested for military operations in Iraq and Afghanistan, $4.3 billion for foreign aid, and $19.2 billion for hurricane relief.

*CQToday* reports that the Senate Appropriations Committee is tentatively scheduled to mark up the plan the week of April 3, with full Senate consideration no earlier than the last week of April. The goal is to send a final measure to the President before the Memorial Day recess.
Rep. Sherwood Boehlert (R-NY), chairman of the House Science Committee, announced today that he would not seek re-election to Congress in November. *CongressDaily* reports,

> “His retirement does not come as a complete surprise. Boehlert, 69, underwent heart bypass surgery last September. Because of six-year term limits, Boehlert is prevented from continuing as chairman of the Science Committee. As a senior member of the Transportation and Infrastructure Committee, Boehlert could have competed for that chairmanship next year, but that would likely have required a six-year commitment.”

The publication reports that three committee members are likely to seek the Science Committee chairmanship: Ralph Hall (R-TX), Dana Rohrabacher (R-CA), and Vernon Ehlers (R-MI).

The House approved a three-month extension of the Higher Education Act (HEA) by unanimous consent on March 14. The current extension expires March 31; the new extension would run through June 30. The Senate is expected to bring up the measure (H.R. 4911) soon under a unanimous consent agreement for quick passage.

According to a draft House calendar circulated by House Majority Leader John Boehner (R-OH), the Boehner-McKeon HEA reauthorization bill adopted by the House Education and the Workforce Committee last July (H.R. 609) could be considered by the full House during the week of March 27. Senate action is possible in May.

During Senate Judiciary Committee mark-up of a comprehensive immigration reform package, it appeared this week that the committee might consider amendments by Senators Charles Grassley (R-IA) and Dianne Feinstein (D-CA) of concern to the higher education and research communities (*CFR Alert 03-15-06*, no bill number yet). However, the Senators’ amendments were not considered during the March 16 committee session, and further work on the bill has been postponed until March 27, following next week’s St. Patrick’s Day recess.

Senator Grassley is expected to propose an amendment that would eliminate the H-1B visa cap exemption for academia—created in 2000—and an amendment that would raise the overall cap for H-1B visas from 65,000 to 200,000. An increase in the overall H-1B cap would not benefit the higher education or business communities if existing exemptions were eliminated.

Senator Feinstein is expected to introduce several amendments that would strike from the chairman’s mark language concerning students, student visas, and employment-based
visas. One amendment of concern would strike the proposed exemption of advanced-degree science, technology, engineering, and mathematics (STEM) graduates from the employment-based visa limit.

As the committee works through several difficult issues in crafting its bill—including border security and a temporary worker plan—it is facing heavy pressure from Senate Majority Leader Frist to finish its work. Earlier this year, Senator Frist set a deadline of March 27 for beginning floor consideration of immigration legislation. CongressDaily reports that he now plans to begin floor consideration of his own bill (S. 2454) dealing with border security, and then allow Chairman Specter to introduce the committee’s bill as a substitute amendment when it is completed.

CQToday reports that Senator Frist plans to spend two weeks on immigration legislation. If a bill is approved, the measure will be conferenced with a narrower bill (H.R. 4437) approved by the House last December. That measure focuses on border enforcement and contains no guest worker provisions.

EXECUTIVE BRANCH

DEPT. OF EDUCATION ISSUES LETTER ON STUDENT AID CHANGES IN DEFICIT REDUCTION ACT

The Department of Education released a Dear Colleague letter on March 10 regarding changes in student loan programs made by the Deficit Reduction Act of 2005 (P.L. 09-171). The letter discusses specific changes in the William D. Ford Federal Direct Loan Program, the Federal Perkins Loan Program, and the Federal Family Education Loan Program. The Department of Education will soon issue a separate Dear Colleague letter detailing changes made by the Deficit Reduction Act that “are not limited to the HEA Title IV loan programs.”


In response to the letter, the Coalition of Higher Education Assistance Organizations is holding a teleconference on March 30, 2006 to discuss implementation of the law with Department of Education officials. Those interested in participating in the call, which carries a financial charge, should visit http://www.coheao.org and complete the online registration form.

OTHER

AAU AND NASULGC FILE AMICUS BRIEF ON EBAY V. MERCEXCHANGE PATENT CASE

AAU and the National Association of State Universities and Land-Grant Colleges (NASULGC) filed an amicus brief on March 10 regarding EBay v. MercExchange, a patent infringement case. As discussed previously (CFR Weekly Wrap-up, 03-10-06), the case involves the circumstances under which patent owners are granted an injunction in cases of infringement.
One of the arguments in support of e-Bay, the defendant, is that a patent owner should be active in the respective market as a condition of being granted an injunction. Although that proposal is aimed at addressing “patent trolls,” companies that acquire patents with the goal of seeking royalties in cases of actual or alleged infringement, it could also harm university technology licensing. Since universities generally license their patents, they are rarely active in commercial markets. Thus, under the proposal, universities could lose access to injunctions in cases of infringement.

A copy of the AAU/NASULGC amicus brief is available on the AAU Web site at: http://www.aau.edu/intellect/AmBrf_AAUNASULGC_EBAYvMercExchg_31006.pdf.

ASSOCIATIONS URGE IMMIGRATION OFFICIALS TO CLARIFY VISA RULES FOR OUTSTANDING PROFESSOR OR RESEARCHER PETITIONS

Four higher education associations, including AAU, wrote to the director and acting deputy director of the U.S. Citizenship and Immigration Services (USCIS) on March 3 asking them to issue guidance to their regional service centers clarifying the rules for considering visa petitions for outstanding professors and researchers and to allow previously denied petitions to be reopened.

The letters, sent by AAU, the American Council on International Personnel, the National Association of State Universities and Land-Grant Colleges, and NAFSA: Association of International Educators, express concern that USCIS’s Nebraska Service Center and Administrative Appeals Office are consistently denying universities’ immigrant petitions for outstanding professors or researchers on the basis that these individuals do not qualify as permanent university employees.

The letters argue that these decisions reflect a misinterpretation of the Labor Department classification for outstanding professors or researchers and “will lead to the inability of our institutions to recruit and retain the most outstanding and highly regarded scholars and scientists around the world.” For that reason, the letters say, “we ask that you issue immediate guidance to the Service Centers so as to avoid further misinterpretation, and to permit the reopening of petitions previously denied on this ground.”

Copies of both letters—the texts are the same—are available on the AAU Web site at: http://www.aau.edu/education/ltr_GonzalezDivine_Denialofpetitions_3306.pdf.

ACE LAUNCHES “SOLUTIONS FOR THE FUTURE” CAMPAIGN ON THE SOCIETAL BENEFITS OF HIGHER EDUCATION

The American Council on Education (ACE) launched a national public outreach campaign on March 14 designed to raise awareness about higher education’s vital role in the future of the nation. According to a press release issued today by ACE, the “Solutions for Our Future” campaign has three major goals: to increase awareness about the public benefits of higher education, to enable every college and university campus to “do its part in meeting the nation’s needs for higher education,” and to make higher education a public policy priority.

The campaign includes public service announcements (PSAs) airing on CBS and ESPN during coverage of the NCAA men’s and women’s Division I basketball championships,
PSAs broadcast on the Fox Network Group during March, and full-page ads in the *Wall Street Journal*.

The campaign will rely on the participation of nearly 400 colleges and universities across the country to spread the message about the role of higher education in society and their own contributions to their communities.


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