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CONTENTS
CONGRESSIONAL SCHEDULE  NEW
BUDGET & APPROPRIATIONS
FY07 Budget Resolution Remains Unfinished  NEW
FY06 Supplemental Funding Bill Delayed Until June  NEW
House Makes Progress on Appropriations Bills, But Final Work on DHS Delayed  NEW
House Approves FY07 Energy and Water Funding Bill
Twenty-Seven House Members Urge Strong Funding for Defense Basic Research
OTHER CONGRESSIONAL DEVELOPMENTS
Senate Approves Comprehensive Immigration Legislation
House Judiciary Committee Weighs In on Net Neutrality Issue  NEW
EXECUTIVE BRANCH
Jeff Nesbit is NSF’s New OLPA Director

CONGRESSIONAL SCHEDULE  NEW

The House has left for the week-long Memorial Day recess. The Senate has been in session today and approved several nominations, including Michael Hayden as Central Intelligence Agency director and Dirk Kempthorne as Secretary of the Interior.

BUDGET & APPROPRIATIONS

FY07 BUDGET RESOLUTION REMAINS UNFINISHED  NEW

With the House and Senate unlikely to approve a final FY07 budget resolution, CQToday reports that the Senate has included in the FY06 supplemental funding bill (H.R. 4939) a provision deeming its FY07 discretionary funding cap at $873 billion. That is the same as the House-passed budget resolution and the President’s request, but about $16 billion less than the Senate approved in its FY07 budget resolution (S. Con. Res. 83). Without a deemed cap, the Senate would be forced to work under the FY07 discretionary spending ceiling approved in the FY06 budget resolution, which is $866 billion, or about $7 billion below the President’s request.

However, CQToday reports that Senate appropriators expect to get around the spending cap once it is approved by temporarily reducing Defense spending by about $9 billion to $10 billion. The Defense-funding likely would be made up later in a supplemental funding bill. House appropriators have agreed to shift $4 billion from Defense, foreign operations, and veterans accounts to bolster the Labor-HHS-Education funding bill.
FY06 SUPPLEMENTAL FUNDING BILL DELAYED UNTIL JUNE 6  NEW

With House and Senate negotiators unable to reach final agreement on the FY06 emergency supplemental funding bill (H.R. 4939), House and Senate Republican leaders were forced this week to abandon plans to approve the measure before the Memorial Day recess. Senate staff report that the latest plan is to conference H.R. 4939 on Tuesday, June 6th.

The bill includes emergency funds for military actions in Iraq and Afghanistan, and disaster relief funding for the Gulf Coast region and other areas. The House-passed bill contains $91.9 billion, while the Senate-passed version would provide $108.9 billion. The President has threatened to veto the bill if it includes more than the $92.2 billion he requested, plus an extra $2.3 billion for pandemic flu preparations.

The Senate-passed measure would provide disaster relief to higher education—$30 million in grants, about $200 million in bridge loans to Gulf Coast colleges and universities damaged in Hurricanes Katrina and Rita, and enhanced loan assistance for affected Historically Black Colleges and Universities.

The higher education associations sent a letter to conferees on May 24 urging them to sustain the funding for the higher education institutions in the final conference agreement. The letter is available at: http://www.acenet.edu/AM/Template.cfm?Section=Search&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=16466.

HOUSE MAKES PROGRESS ON APPROPRIATIONS BILLS, BUT FINAL WORK ON DHS DELAYED  NEW

The House continues its efforts to pass all 11 of its FY07 appropriations bills before the July 4 recess. The chamber has now approved four FY07 funding bills—Agriculture, Energy and Water, Interior and Environment, and Military Quality of Life and Veterans—with a fifth, Homeland Security, still on the House floor (with consideration to resume in early June after the Memorial Day recess). The full Appropriations Committee also has approved the Foreign Operations and Legislative Branch bills, and the Transportation-Treasury bill has been approved in subcommittee. Still to be marked up in subcommittee are Commerce-Justice-Science, Defense, and Labor-HHS-Education.

The Senate Appropriations Committee has not announced its subcommittee allocations, nor have subcommittee markups begun.

HOUSE APPROVES FY07 ENERGY AND WATER FUNDING BILL

The House on May 24 approved the FY07 Energy and Water appropriations bill (H.R. 5427) with full funding for the portion of the President’s American Competitiveness Initiative (ACI) in the Department of Energy Office of Science. The bill would provide $4.132 billion for the DOE Office of Science, which includes the Administration’s proposed 14-percent increase plus an extra $30 million to cover Member earmarks.
The ACI proposes to double combined funding over 10 years for the DOE Office of Science, the National Science Foundation (NSF), and core lab programs at the National Institute of Standards and Technology. The Administration has said the President might not request full funding for ACI in future years if Congress earmarks those funding increases in FY07.

AAU President Robert Berdahl sent a letter to leaders of the House Energy and Water Appropriations Subcommittee on May 23 thanking them for their leadership in fully funding the DOE Office of Science portion of the ACI. The letter to Subcommittee Chairman David Hobson (R-OH) and Ranking Member Peter Visclosky (D-IN) said, “This funding will allow U.S. researchers, many of whom work at universities, to pursue new and exciting scientific opportunities that will contribute to our future economic competitiveness, enhance our innovation capacity, and help to ensure our future energy and national security.”

A copy of the letter is available on the AAU Web site at:
http://www.aau.edu/budget/Ltr_HApprops_ACI_TY_5-23-06.pdf.

TWENTY-SEVEN HOUSE MEMBERS URGE STRONG FUNDING FOR DEFENSE BASIC RESEARCH

Twenty-seven Members of the House sent a letter to leaders of the Defense Appropriations Subcommittee on May 18 urging them to fund Defense Department basic research programs at “robust levels.” The letter, spearheaded by Reps. Jim Leach (R-IA) and Jim Cooper (D-TN), said that strong support for defense basic research “is absolutely critical to meet the unprecedented military and economic security challenges facing our nation now and in the future.” A similar letter last year received 21 Member signatures.

A copy of the letter is available on the AAU Web site at:
http://www.aau.edu/budget/Ltr_House_DefBR_5-18-06.pdf.

OTHER CONGRESSIONAL DEVELOPMENTS

SENATE APPROVES COMPREHENSIVE IMMIGRATION LEGISLATION

The Senate on May 25 approved by a vote of 62-36 comprehensive immigration legislation (S. 2611) that includes provisions of interest to higher education. The major elements of the measure would create a guest worker program, provide a path to citizenship for the estimated 11 million to 12 million illegal immigrants in the country, and step up border enforcement and security.

The provisions for higher education are those that were originally approved by the Senate Judiciary Committee. One would create a new F-4 visa category to make it easier for foreign graduate students studying science and engineering in the U.S. to remain here to work after graduation. Unlike current law, these students would not have to prove they intended to return home after graduation and could apply for a change in status from a student visa to a green card. The fee for doing so would be $2,000. The bill also would increase the cap on H-1B visas from 65,000 to 115,000 per year, with a clause to increase that number by 20 percent if demand if the cap was reached. It also would retain the exemption for those with advanced math and science degrees earned in the U.S.
Before final approval of the bill, the Senate approved a manager’s amendment that incorporated a number of other amendments. Analysis of the manager’s amendment will be provided when it is available.

Also approved by the Senate was an amendment by Senator Judd Gregg (R-NH) to change requirements for the Diversity Immigration Visa Program, which offers 50,000 visas each year through a lottery to applicants from countries that sent fewer than 50,000 immigrants to the U.S. over the preceding five years. Senator Gregg’s amendment would require that two-thirds of those visas—or 33,000—be given to applicants who hold advanced degrees in science, mathematics, technology, or engineering.

The Senate also approved an amendment by Senator Jeff Bingaman (D-NM) regarding the cap on immigrants—both skilled and non-skilled—who can receive employment-based legal permanent residency. Although the Senator’s amendment would raise the annual cap from the current 140,000 to 650,000, it would include spouses and children. (The underlying bill would have raised the cap to 450,000 without spouses and children.) Critics argue that by including spouses and children, the number of actual workers allowed permanent residency status would not necessarily increase and could actually drop.

Senate leaders now face the difficult task of reconciling the Senate immigration bill with the House bill (H.R. 4437), which focuses on enforcement and border security without legalization procedures, a guest worker program, or the visa provisions supported by higher education.

**HOUSE JUDICIARY COMMITTEE WEIGHS IN ON NET NEUTRALITY ISSUE**

The House Judiciary Committee on May 25 approved “net neutrality” legislation (H.R. 5417) proposed by Chairman James Sensenbrenner (R-WI) and Ranking Member John Conyers, Jr. (D-MI) that aims to assure that phone and cable companies do not use their broadband networks to selectively favor or discriminate against Internet traffic.

*CongressDaily* reports that Chairman Sensenbrenner is expected to ask the House Rules Committee to allow the bill to be offered as an amendment to the broader telecommunications measure (H.R. 5252) that was reported from the Energy and Commerce Committee. Complicating the issue is the fact that the Energy and Commerce Committee Democrats have introduced their own net neutrality bill (H.R. 5273), which could be combined with the Sensenbrenner measure or offered as an amendment separately.

Both bills address concerns that the net neutrality provisions in the Energy and Commerce bill are too weak. That measure would codify four network neutrality principles approved last year by the Federal Communications Commission (FCC) but provides minimal enforcement of them. A number of organizations, including AAU and other higher education associations, have expressed concern that the provisions do not prohibit network operators from giving preference to their own Internet services and content over the services provided by other service and content providers, including universities.

According to a Judiciary Committee press release, the committee’s “Internet Freedom and Nondiscrimination Act” (H.R. 5417) would require that network providers: 1) interconnect with the facilities of other network providers on a reasonable and nondiscriminatory basis; 2) operate their network in a reasonable and nondiscriminatory manner such that non-affiliated providers of content, services and applications have an equal opportunity to reach consumers;
and 3) refrain from interfering with users’ ability to choose the lawful content, services and applications they want to use.


In the Senate, Commerce, Science, and Transportation Committee Chairman Ted Stevens (R-AK) has postponed markup of his own telecommunications bill (S. 2686) from June 8 to June 20 in order to address committee members’ concerns about certain issues, including net neutrality. Senator Stevens’s bill would address net neutrality simply by requiring the FCC to conduct an annual study of how information is transmitted over the Internet and then recommend to Congress what authority the commission would need to address any problems identified.

Senate Commerce Committee Ranking Member Daniel Inouye (D-HI) has joined with Senator Olympia Snowe (R-ME) and six Senate Democrats in introducing a separate net neutrality bill (S. 2917) that is similar to the bills offered by Rep. Sensenbrenner and the House Energy and Commerce Committee Democrats.

EXECUTIVE BRANCH

JEFF NESBIT IS NSF’S NEW OLPA DIRECTOR

Jeff Nesbit has been named head of the Office of Legislative and Public Affairs (OLPA) at the National Science Foundation (NSF), effective June 12. Prior to creating his own communications consulting business in 1992, Mr. Nesbit was director of communications for former Vice President Dan Quayle and associate commission for public affairs at the Food and Drug Administration.


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