Friday, June 30, 2006

CONGRESSIONAL SCHEDULE  NEW

BUDGET & APPROPRIATIONS
House and Senate FY07 Appropriations Move Ahead  NEW
House Approves Funding Increases for NSF and NASA Science
Senate Appropriations Committee Endorses Subcommittee Increases for DOE Office of Science
Senate Approves Interior Funding Bill with Flat Funding for NEH
Senate Appropriations Committee Endorses Subcommittee Cuts to DHS S&T Directorate

OTHER CONGRESSIONAL DEVELOPMENTS
Senate Agrees to Vote on Stem Cell Bills Later This Year  UPDATED
Senate Commerce Committee Rejects “Net Neutrality” Amendment

EXECUTIVE BRANCH
Commission Releases Draft Report Critical of Higher Education  UPDATED
NSF Requests Comments on Its Strategic Plan
Department of Education Announces Rules for New Math and Science Student Grants  NEW

OTHER
Law Center Analysis Says Culberson Tuition Amendment Would Have No Legal Impact
NAS Reschedules “Gathering Storm” Convocation to September 28

Both the House and Senate are out of session and will reconvene the week of July 10 following next week’s July 4 recess.

CongressDaily reports that Senate Majority Leader Bill Frist (R-TN) intends for the Senate to consider next month several FY07 appropriations bills, including Homeland Security, Agriculture, Defense, Military Construction, and Legislative Branch. Also possible are stem-cell legislation (see item below), as well as bills to give the President a line-item veto and repeal the estate tax, along with possible House-Senate agreements on pension reform and lobbying reform.

In the House, the Republican leadership plans to take up at least two additional energy bills regarding boutique fuels and fuel economy standards and any conference reports on FY07 appropriations bills. Also possible for floor action are conference agreements on pension reform and lobbying reform, and reauthorization of the Voting Rights Act. The leadership also plans for the House to consider several bills of interest to socially conservative voters, including a constitutional amendment to ban gay marriage (H.J. Res. 88), a series of tax cuts aimed at families and encouraging adoption, and a ban on human cloning, including somatic cell transfer (H.R. 1357).
Both the House and Senate made progress this week on FY07 appropriations, although House Appropriations Committee Chairman Jerry Lewis (R-CA) was unable to make good on his goal of the House approving all 11 appropriations bill before the July 4 recess. The House has approved 10 appropriations bills, but the Labor-HHS-Education bill (H.R. 5647) has been delayed—and could be delayed until after the November election—because an amendment raising the minimum wage was added during committee mark-up and the leadership probably lacks sufficient votes to delete it on the House floor.


Knowledgeable Senate staff indicate that the Agriculture, Homeland Security, Legislative Branch, and Military Construction-VA bills are likely to reach the Senate floor before the August recess.

A Senate Appropriations Committee press release on announced mark-ups is available at: http://appropriations.senate.gov/hearmarkups/FY07PRMarkupSchedule.mht.

### HOUSE APPROVES FUNDING BILL WITH INCREASES FOR NSF AND NASA SCIENCE

The House approved the FY07 Science-State-Justice-Commerce appropriations bill (H.R. 5672) on June 29 with the budget increases approved in committee for the National Science Foundation (NSF) and NASA science. The chamber defeated an amendment offered on the floor by Rep. Barney Frank (D-MA) that would have eliminated $3.8 billion for NASA’s Moon/Mars mission.

Specifically, the bill would fund NSF at the President’s requested level of $6 billion, including fully funding the agency’s portion of the American Competitiveness Initiative (ACI). The agency total is $439 million above FY06 funding. It includes $4.6 billion for research, which is $334.5 million above FY06 funding, and $832.4 million for science education, which is $16.2 million above the request and $35.7 million above FY06 funding.

Within education, the committee’s extra $16.2 million would add $11 million to the Robert Noyce Scholarship Program, bringing its funding to $21 million, and add $5 million to the Experimental Program to Stimulate Competitive Research, raising its total to $150 million. The bill also would provide $25 million for the Integrative Graduate Education and Research Traineeships, the same as the budget request.

The bill provides no funding increase for NSF’s Math and Science Partnership program, which would be funded at $46 million, the same as the FY07 budget request but $27 million below FY06 funding.
For NASA, the measure would provide $16.709 billion, about $83 million less than the President’s FY07 request. Within that total, the bill would fund the President’s Vision for Space Exploration at $3.8 billion. The measure also would provide $824 million for aeronautics research, which is $100 million above the budget request but still $60 million below FY06 funding. Science would be funded at $5.375 billion, which is $75 million above the request and about $151 million above the FY06 level.

The schedule for subcommittee mark-up of the Senate FY07 funding bill has not yet been announced, although full committee consideration is scheduled for Thursday, July 13.

SENATE APPROPRIATIONS COMMITTEE ENDORSES SUBCOMMITTEE INCREASES FOR DEPARTMENT OF ENERGY OFFICE OF SCIENCE

In approving the FY07 Energy and Water appropriations on June 29, the Senate Appropriations Committee endorsed the substantial increase for the Department of Energy Office of Science approved in subcommittee on June 27. The Office of Science would receive $4.241 billion, an increase of $139 million over the Administration’s request, $109 million above the House-approved level, and $645 million above FY06 funding.

A committee press release says the bill fully funds the President’s request for the Office of Science under his American Competitiveness Initiative (ACI). The press release is available at: http://appropriations.senate.gov/hearmarkups/E&WFullPR07.mht.

Additional analysis of the bill will be provided when the committee report is available.

SENATE APPROVES INTERIOR FUNDING BILL WITH FLAT FUNDING FOR NEH

The Senate approved the FY07 Interior-Related Agencies appropriations bill (H.R. 5386) on June 29 with flat funding for the National Endowment for the Humanities (NEH). The bill would provide the agency with $141 million, the same as the Administration’s FY07 request and FY06 funding. The bill approved by the House on May 18 would provide $146 million for NEH.

SENATE APPROPRIATIONS COMMITTEE ENDORSES SUBCOMMITTEE CUTS TO DHS S&T DIRECTORATE

The Senate Appropriations Committee approved the FY07 Homeland Security appropriations bill on June 29 with $818 million for the Department of Homeland Security’s (DHS) Science and Technology Directorate, the same level approved June 27 by the panel’s Homeland Security subcommittee. The total is $200 million below the Administration’s FY07 request for the S&T Directorate, $138 million below the House-approved level, and $668 million below the FY06 level.

News reports indicate that the Senate subcommittee, like its House counterpart, has been concerned that the S&T Directorate has not provided justification for its budgets or reports on how it is spending current funds.
Overall, the committee approved a total of $31.7 billion in discretionary spending for DHS, which is $715 million above the budget request and $1.472 billion above the FY06 level.

Additional analysis will be provided when the committee report is available.

The press release on the Senate committee mark-up is available at: http://appropriations.senate.gov/releases/record.cfm?id=258045.

OTHER CONGRESSIONAL DEVELOPMENTS

SENATE AGREES TO VOTE ON STEM CELL BILLS LATER THIS YEAR

Following lengthy negotiations with stem cell research supporters and opponents, Senate Majority Leader Bill Frist (R-TN) last night offered a unanimous consent request to allow consideration of the Stem Cell Research and Enhancement Act (H.R. 810) as well as two related measures. In so doing, he fulfilled the promise he made last year to bring stem-cell research legislation to the Senate floor. Although Senator Tom Coburn (R-OK) had been expected to object to the consent request—thus blocking votes on the bills—he allowed its approval, saying that those who support stem-cell research should be given a vote on their legislation. CQToday reports that floor consideration is likely in July.

Under the agreement, each of the three bills would be brought to the floor for a vote, without amendments, with 60 votes needed for passage. Contrary to some news reports, each of the three bills would be voted on separately, and the failure of one bill to pass would not bring down the other two. The first bill to be considered, the Fetus Farming Prohibition Act of 2006 (S. 3504), by Senators Rick Santorum (R-PA) and Sam Brownback (R-KS), would make it illegal to use human embryos from “fetal farms,” where they were developed in a non-human environment or through a human pregnancy specifically for the purpose of research. The second measure to be considered, Alternative Pluripotent Stem Cell Therapies Enhancement Act (S. 2754), by Senators Santorum and Arlen Specter (R-PA), would encourage research to find ways of obtaining human stem cells without destroying embryos. The third, H.R. 810, would allow federally supported researchers to use stem cell lines derived from human embryos discarded by fertility clinics. The measure, which was approved by the House in May, 2005, is supported strongly by the research community.

In the House, published reports and knowledgeable staff suggest that the Republican leadership may bring up a bill by Rep. Dave Weldon (R-FL) to ban all types of human cloning (H.R. 1357), including somatic cell nuclear transfer or so-called “therapeutic cloning.” The patient advocate and research communities have opposed this legislation in the past, but the House has passed it in each of the last two Congresses. Although House passage is again likely if H.R. 1357 is brought to a vote, there is little likelihood that the Senate would consider such legislation.

SENATE COMMERCE COMMITTEE REJECTS “NET NEUTRALITY” AMENDMENT

The Senate Commerce Committee approved Chairman Ted Stevens’s telecommunications bill (S. 2686) on June 28 by a vote of 15-7 after defeating an amendment on “net neutrality,” aimed at prohibiting telephone and cable Internet service providers from charging content providers for
preferential treatment. The amendment, offered by Senators Olympia Snowe (R-ME) and Byron Dorgan (D-ND), fell on a vote of 11-11. Senator Snowe was the only committee Republican to support the amendment. *CongressDaily* reports that the net neutrality provision that remains in the bill would prohibit Internet service providers from blocking Web sites based on political affiliation, but, like the House-passed telecommunications bill (H.R. 5252), it does not ban providers from charging content providers different fees for different delivery speeds.

Although the net neutrality amendment was defeated in committee, news reports indicate that the issue is likely to slow further consideration of the overall bill this year. Senator Ron Wyden (D-OR) has threatened to filibuster the bill if it does not include stronger net neutrality provisions, and Chairman Stevens has acknowledged that he does not yet have the 60 votes necessary to override a filibuster. In addition, the Senate Judiciary Committee may develop its own language to address the antitrust issues surrounding net neutrality.

**EXECUTIVE BRANCH**

**COMMISSION RELEASES DRAFT REPORT CRITICAL OF HIGHER EDUCATION**

The Secretary of Education’s Commission on the Future of Higher Education has released a staff-written first draft of its report, due in September, which criticizes U.S. higher education as “equal parts meritocracy and mediocrity.” The preliminary report, which was written by a consultant and staff to the commission, was intended to be confidential, but it was released June 26 by the Department of Education when the agency determined that the Freedom of Information Act required that the report be made public.

The draft document has prompted concern in the higher education community, particularly over its tone, which some commission members described as unduly harsh. In a statement criticizing the report, commission member David Ward, president of the American Council on Education, said it was based on a “highly selective reading of testimony” and was prepared “without the slightest input of commission members.”

A copy of President Ward’s statement is available on the ACE Web site at: [http://www.acenet.edu/AM/Template.cfm?Section=CEOs&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=17098](http://www.acenet.edu/AM/Template.cfm?Section=CEOs&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=17098).

The commission members met in closed session on June 28 in two groups to discuss the draft. The *Chronicle of Higher Education* described the discussions as “cordial and constructive,” with several members leaving the meeting more optimistic and more confident of the commission’s ability to reach a consensus than they had going in. The publication said that one group discussed the tone of the report but did not agree to change it. The second group started from scratch and developed its own list of 10 recommendations and a set of key goals for a preamble.

The draft now goes back to staff and an outside writer for revising, with the goal of getting the second draft back to commission members in 7-10 days. Mr. Miller said the commission would have one or two public meetings before submitting the report to Secretary of Education Margaret Spellings in September.

Along with strong criticisms of the higher education community, the draft report offers recommendations in the areas of access, affordability, quality and innovation, and accountability.
Among its several recommendations, the draft calls for expanding college access, in part by streamlining the financial aid system and focusing it on need-based aid; encouraging institutions to cut costs and improve productivity through such means as expanding competition by non-traditional providers and making better use of technology; developing a campus culture of “continuous innovation and quality improvement;” and improving institutional accountability by creating a “unit record” system to track students more accurately through their academic careers, encouraging the expansion of student testing, and developing a “national accreditation network” that focuses primarily on “measurable quality outcomes, rather than inputs or processes.”


## NSF REQUESTS COMMENTS ON ITS STRATEGIC PLAN

The National Science Foundation (NSF) is developing a new strategic plan for which it is soliciting ideas and advice from the academic community. Those interested in commenting on the plan are asked to submit their views by Monday, July 17.


## DEPARTMENT OF EDUCATION ANNOUNCES RULES FOR NEW MATH AND SCIENCE STUDENT GRANTS

The Department of Education announced on June 29 how it plans to implement two new programs—Academic Competitiveness Grants and National Science and Mathematics Access to Retain Talent (SMART)—that eligible students may apply for beginning July 1, 2006.


Academic Competitiveness grants will be awarded to rising college freshmen and sophomores who are Pell grant-eligible and have completed a rigorous high school curriculum as defined by their states and recognized by the Secretary of Education. First-year college students may receive up to $750 under the program, and second-year students enrolled full-time, with at least a 3.0 grade point average (GPA), may receive up to $1,300. For the SMART grants, Pell grant-eligible college juniors and seniors who are studying designated fields in math, science, technology, or critical languages, and maintain a GPA of 3.0 may receive up to $4,000.

## OTHER

### LAW CENTER ANALYSIS SAYS CULBERSON TUITION AMENDMENT WOULD HAVE NO LEGAL IMPACT

When the House Appropriations Committee approved its version of the FY07 Labor-HHS-Education appropriations bill on June 13, the panel agreed to an amendment offered by Rep. John Culberson (R-TX) aimed at prohibiting states from giving in-state college tuition and other
higher education benefits to undocumented students if they did not offer the same benefits to out-
of-state residents. There was confusion at the time about whether or not the amendment, if enacted, would have any effect on states that provide such benefits.

An analysis by the National Immigration Law Center says that the amendment is unlikely to become law and that it “would have no legal effect on states, schools, or immigrant students.” The statement adds, “States would not be required to change their existing rules, and students who are eligible for in-state tuition under existing laws would continue to be eligible, even if this provision is passed by both houses and signed by the President.”

The full analysis is available on the Center’s Web site at: http://www.nilc.org/immlawpolicy/DREAM/Dream005.htm.

NAS RESCHEDULES “GATHERING STORM” CONVOCATION TO SEPTEMBER 28

The National Academies of Science (NAS) is rescheduling the convocation that follows up on its report, “Rising Above the Gathering Storm,” from September 12 to Thursday, September 28.

As reported previously (CFR Weekly Wrap-up, 05-05-06), the meeting will focus on state and local follow-up efforts to the NAS report on improving the nation’s competitiveness. The session, “Convocation on ‘Rising Above the Gathering Storm:’ Energizing and Employing Regions, States, and Cities for a Brighter Economic Future,” aims to promote information exchange about the various state and local events and activities around the country—such as the Maryland state summit hosted in April by the University of Maryland, College Park—that focus on innovation or competitiveness.

Institutions and organizations are encouraged to cosponsor the NAS event. Additional information is available from Deborah Stine, the study director and Associate Director of the Committee on Science, Engineering, and Public Policy, at 202-334-3230 or destine@nas.edu.

The Web site for the convocation can be accessed at: http://www7.nationalacademies.org/gatheringstorm.

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