Friday, September 15, 2006

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CONGRESSIONAL SCHEDULE  NEW

The Senate was in session today to consider a free-trade agreement with Oman (H.R. 5684). The House was in pro forma session today. Both chambers will reconvene on Tuesday, September 19.

CQToday reports that the House next week will continue work on security-related legislation, including an expected debate on military tribunals legislation (H.R. 6054) and a bill aimed at requiring voters to show proof of U.S. citizenship and a photo ID before registering (H.R. 4844). The chamber may also take up the conference report on the Defense authorization bill (H.R. 5122) if the measure is completed.

The Senate is expected to approve the Oman trade bill next week, and may also consider military tribunal legislation.

BUDGET AND APPROPRIATIONS

DEFENSE SPENDING BILL COULD PROVIDE $6 BILLION LESS THAN PRESIDENT’S REQUEST  NEW
CQ Today reports that House-Senate conferees on the FY07 Defense appropriations bill (H.R. 5631) may provide $6 billion less in discretionary spending than the President requested. This is a middle ground between the Senate-passed version, which was $9 billion below the President’s request, and the House-passed version, which was $4 billion below it. The figure is significant because the President in August threatened to veto the bill if it cut more than $4 billion from his request.

The publication also reports that both the House and Senate Defense funding bills contain $50 billion in supplemental funding for military efforts in Iraq and Afghanistan. The Senate added an additional $13 billion for replacing worn military equipment, which House conferees expect to increase in conference to $17 billion.

Formal conference negotiations on the funding bill could begin next Wednesday if the top-line figure is agreed to, with House floor action expected on September 27.

The bill is likely to become the vehicle for a continuing resolution to sustain funding for domestic agencies whose funding bills are not approved by the start of the new fiscal year on October 1. Indications are that only the Defense and Homeland Security appropriations bills will be approved by Congress before the November elections.

SENATORS SPECTER AND HARKIN CIRCULATE LETTER ON LABOR-HHS-EDUCATION FUNDING

Senators Arlen Specter (R-PA) and Tom Harkin (D-IA) are asking colleagues to sign a letter that will be sent to Senate leaders urging that the final FY07 Labor-HHS-Education appropriations bill receive the full $7 billion above the President’s FY07 request that was directed by the Specter-Harkin amendment to the FY07 budget resolution. They are seeking signatures from all 73 Senators who voted for the amendment. The Labor-HHS-Education bill approved by the Senate Appropriations Committee would provide $142.8 billion, which is $2 billion below the $145 billion level called for in the budget amendment.

MEMBERS OF HOUSE AND SENATE URGE CONFEREES TO DROP DHS FUNDING PROVISION TO LIMIT PARTICIPATION IN CENTERS PROGRAM

Twenty Senators and 47 House members have written to conferees on the Homeland Security appropriations bill (H.R. 5441), urging them to drop a provision that would limit to three years universities’ participation in the Department of Homeland Security centers of excellence program.

The separate letters to House and Senate conferees, aimed at a provision inserted in the Senate version of the funding bill, express concern that limiting participation to three years would harm the “ongoing work of the individual centers and the network of collaborating academic institutions that has just reached its maximum capacity to respond to the highest priorities for academic contributions to the security of the homeland.” An estimated 70 colleges and universities participate in the work of seven designated centers around the country.

Copies of the two letters are available on the AAU Web site at: http://www.aau.edu/budget/Ltr_DHS_COE_9-6-06.pdf.
The House and Senate have approved and sent to the President for signature legislation to create a public database for tracking federal contracts and grants. The “Federal Funding Accountability and Transparency Act of 2006” (S. 2590), introduced by Senators Tom Coburn (R-OK) and Barack Obama (D-IL), was cleared in both chambers by voice vote. The measure will require the Office of Management and Budget to set up a public Web site that will allow users to search all federal contracts and grants of more than $25,000. Classified information and federal assistance payments to individuals will be exempt. The new site is expected to be up and running by January 1, 2008.

A joint House-Senate press release issued September 8 said in part:

"The federal government awards approximately $300 billion in grants to roughly 30,000 different organizations. Each year, roughly one million contracts exceed the $25,000 reporting threshold. We need to be sure that money is spent wisely. Our legislation creates a transparent system for reviewing these expenditures so that Congress, the press, and the American public have the information they need to conduct proper oversight of the use of our tax dollars. The package we've agreed to move requires the Administration to establish searchable databases for both grants and contracts."

The full press release is available on Senator Coburn’s Web site at: [http://coburn.senate.gov/ffm/index.cfm?FuseAction=LegislativeFloorAction.Home&ContentRecord_id=8f71372b-802a-23ad-4eb7-a0a037caa75e](http://coburn.senate.gov/ffm/index.cfm?FuseAction=LegislativeFloorAction.Home&ContentRecord_id=8f71372b-802a-23ad-4eb7-a0a037caa75e).

The House yesterday approved a resolution (H. Res. 1000) that changes House rules to require the disclosure of sponsors of earmarks in appropriations and certain other types of bills. The vote was 245-171. Although the measure is effective only through the end of this Congress, House Republican leaders said they will seek to maintain the rule in future congressional sessions. House-Senate negotiations on comprehensive ethics and lobbying reform (H.R. 4975, S. 2349) broke down earlier this year.

House Appropriations Committee Chairman Jerry Lewis (R-CA) had opposed the rules change on the basis that it defined tax earmarks too narrowly. He and other appropriators also expressed concern that the requirement would not apply to earmarks in bills taken straight to the House floor or to amendments added on the floor. CQToday reports that House Republican leaders agreed to a partial compromise that would require the disclosure of earmarks in those two cases, but would do so as part of a “leadership protocol” rather than as part of the House rules. The leadership protocol would specify that bills that had not been considered in committee would not be scheduled for a floor vote unless earmarks and their sponsors were identified and that the Rules Committee would not allow consideration of amendments that did not meet those criteria.
A press release on the Web site of House Rules Committee Chairman David Dreier (R-CA) says the new rule “applies to all committees and all tax, appropriations and authorizing legislation.” (http://dreier.house.gov/releases/pr091406_3.htm).

*CQToday* further reports that the new rule is expected to have no impact on the current House-Senate conference on the Defense appropriations bill (H.R. 5631). House Defense Appropriations Subcommittee Chairman Bill Young (R-FL) said “We’re taking a hard line. Nothing will be added in conference,” noting that if earmark sponsors had to be disclosed, “we’d be here until Christmas.”

**CHAIRMAN BARTON TO MARK UP NIH AUTHORIZATION BILL SEPTEMBER 20**

*UPDATED*

House Energy and Commerce Committee Chairman Joe Barton (R-TX) plans to mark up his legislation to reauthorize the National Institutes of Health (NIH) next Wednesday, September 20. A hearing to discuss the bill is scheduled for the previous day, September 19, at 2:00 p.m. in 2123 Rayburn House Office building. NIH Director Elias Zerhouni is expected to testify.

Chairman Barton has been working on the reauthorization proposal for the past year, soliciting the views of the NIH leadership and the academic research community. His plan would strengthen the management authority of the NIH director, require development of a comprehensive NIH database to track all research activity in a standardized format, and authorize a five-percent budget increase for the agency each year over the three-year period of the authorization.

The most dramatic element of the measure is the proposed creation of a “common fund” to support broad, cross-agency initiatives. The fund would receive one-half of any new money appropriated to NIH until it reached five percent of the agency’s total budget. Earlier drafts had called for the common fund to climb ultimately to 10 percent of the NIH budget. But in response to concerns raised by AAU and others about the impact of such an abrupt move, the new draft says that once the five-percent share is reached, the NIH director “in consultation with an advisory council must submit recommendations to Congress on changes to the amount of reservation for the common fund.”

If the bill is approved in committee, the measure might be considered on the House floor during the last week of September. However, there appears to be no movement in the Senate to consider an NIH reauthorization bill this session.

**WORK CONTINUES ON ANIMAL ENTERPRISE TERRORISM BILL**

The House Judiciary Committee did not mark up the Animal Enterprise Terrorism Act (H.R. 4239) on September 13 as previously scheduled. The panel had a full agenda and apparently was not able to get to the bill. Likewise, an identical Senate bill (S. 3880) was scheduled for consideration the following day in the Senate Judiciary Committee, but the committee adjourned for lack of a quorum. Indications are that the legislation will be taken up by both committees next week.

H.R. 4239, which has been modified from the original bill introduced by Rep. Thomas Petri (R-WI), strengthens penalties against animal rights activists who conduct violent or threatening activities against animal researchers, those who care for animals used in research, and others.
The new version of the bill clarifies congressional intent that the measure NOT be construed as prohibiting conduct protected by the First Amendment. In order to achieve bipartisan support, the bill also removes previous provisions related to the death penalty and wiretapping. The new measure is now identical to S. 3880, which was introduced September 8 by Senators James Inhofe (R-OK) and Dianne Feinstein (D-CA).


Additional information is available from the National Association for Biomedical Research at: http://www.nabr.org/AEPC/OnePager.htm.

SENATORS PREPARE TO INTRODUCE COMPREHENSIVE COMPETITIVENESS BILL UPDATED

Although the House and Senate appropriations committees have responded to the President’s American Competitiveness Initiative (ACI) by provided increased funding for basic research and education at the National Science Foundation and the Department of Energy Office of Science, Congress has not approved authorization legislation to create new or revise existing competitiveness-related programs. The House Science Committee reported two bills in June (H.R. 5356 and H.R. 5358), but those have not been considered on the floor. And until this week, several bills had been introduced in the Senate but no process had been announced for how the bill sponsors might work together to move a joint package.

The situation in the Senate changed September 13 when Senate staff said in a briefing for business and university advocates that leaders of three key Senate committees had reached bipartisan agreement on a new bill, “The National Competitiveness Investment Act.” The measure will incorporate provisions from the PACE-Energy Act (S. 2197), which has been reported from the Senate Energy and Natural Resources Committee, and the “American Innovation and Competitiveness Act” (S. 2802), which has been reported from the Senate Commerce Committee. Although the Health, Education, Labor and Pensions (HELP) Committee has not considered competitiveness legislation, Committee Chairman Michael Enzi (R-WY) and Ranking Member Edward Kennedy (D-MA) helped shape provisions in the new bill that fall under the panel’s jurisdiction.

Senate sponsors plan to introduce the legislation in the next few days and hope that it will be considered on the floor before the Senate recesses for the November elections. Staff for Majority Leader Bill Frist (R-TN) said in the September 13 briefing that the Majority Leader was committed to providing floor time for the bill before the recess, but that he would pull it from the calendar if Senators tried to use the measure as a vehicle for extraneous amendments.

In a conference call on September 14 with key stakeholder groups, the lead sponsors of the PACE legislation, Senators Pete Domenici (R-NM), Lamar Alexander (R-TN), and Jeff Bingaman (D-NM), urged the academic and business communities to encourage the Senate leadership to schedule the bill before the recess. They expressed concern that there would be insufficient time in a post-election session to consider it.

A section-by-section analysis of the legislation is available on the AAU Web site at: http://www.aau.edu/research/NCIA_Section_by_section.pdf.
OTHER

HIGHER EDUCATION ASSOCIATIONS REQUEST “NET NEUTRALITY” CHANGES IN SENATE TELECOMMUNICATIONS BILL

Twelve higher education associations, including AAU, sent a letter September 13 to Senate Commerce Committee leaders detailing four principal concerns about the “net neutrality” provisions of the committee-passed telecommunications bill. These concerns are “so fundamental,” says the letter, that the associations cannot support the bill as reported from committee. The letter adds that these concerns could be addressed by slightly altering wording in the bill, and offers the assistance of the associations in achieving those changes.


Net neutrality deals with the issue of whether Internet service providers should be prohibited from anti-competitive discrimination against certain Internet traffic or content providers in terms of pricing or performance. Although the net neutrality provisions in the committee-passed bill have been strengthened since the bill’s introduction by Committee Chairman Ted Stevens (R-AK), the bill is viewed as still falling short of prohibiting discrimination that could constitute an abuse of market power.

Chairman Stevens has been working to gather the 60 votes needed to approve the bill on the Senate floor. Several Democratic Senators have expressed opposition to the bill because of its net neutrality provisions.

AAU RELEASES UPDATED BASIC RESEARCH AND EDUCATION FUNDING PRIORITIES FOR FY07

AAU staff have updated the association’s funding priorities for basic research and education programs in FY07. The document is available on the AAU Web site at: http://www.aau.edu/budget/FY07_Approps_Priorities.pdf.

FORMER MIT PRESIDENT NOMINATED TO BE NATIONAL ACADEMY OF ENGINEERING PRESIDENT

The National Academies of Science have announced that Charles M. Vest, former president of the Massachusetts Institute of Technology (MIT), has been nominated to serve as the next president of the National Academy of Engineering. Dr. Vest will be the sole candidate for the position; NAE members will vote on the nomination in March 2007 for a six-year term that begins on July 1, 2007. Dr. Vest, who served as president of MIT from 1990 through 2004 and also served a term as AAU chair, would succeed William A. Wulf, whose second term ends on June 30.

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