CONGRESSIONAL SCHEDULE

Both the House and Senate adjourned yesterday and will reconvene on Tuesday, December 5.

BUDGET & APPROPRIATIONS

CONGRESS APPROVES CR EXTENSION TO DECEMBER 8; LONG-TERM CR APPEARS LIKELY  UPDATED

The House and Senate on November 15 voted to extend through December 8 the continuing resolution (CR) that was set to expire today. Since only the Defense and Homeland Security FY07 appropriations bills have been enacted into law, the CR is needed to sustain funding for most federal agencies and programs. The CR has been in effect since October 1, the beginning of the fiscal year.

CongressDaily reports this afternoon that Republican leaders now “appear inclined” to move another CR in December that extends into the new Congress, rather than try to complete the remaining FY07 appropriations bills this year. The only decision yet to be made appears to be how long to extend the new CR, says the publication. Possible options for endpoints include January, at the beginning of the new Congress, leaving Democratic majorities to deal with final FY07 decisions, and September 30, which would leave the new Congress with the option, but not
the necessity, of adopting legislation to adjust the spending levels contained in the CR. Senate conservatives have blocked approval of the remaining FY07 bills on the Senate floor because they in fact prefer a long-term CR extending as far as September 30, with lower funding levels and no earmarks. CongressDaily reports that the Senate Budget Committee has estimated that a full-year CR for the remaining FY07 appropriations bills, providing funding at FY06 levels, would save about $7 billion from domestic programs.

SENATORS SEND LETTER REQUESTING FY07 FUNDING INCREASES FOR NEH AND NEA

Forty-three Senators have sent a letter to Senate appropriators urging them to add $5-$10 million each to the FY07 budgets of the National Endowment for the Humanities and the National Endowment for the Arts. The letter, spearheaded by Senator Norm Coleman (R-MN), was signed by the following Senators:

Republicans: Chafee, Lincoln (R-RI), Coleman, Norm (R-MN), Collins, Susan (R-ME), Crapo, Michael (R-ID), DeWine, Mike (R-OH), Hatch, Orrin (R-UT), Martinez, Mel (R-FL), Murkowski (R-AK), and Snowe, Olympia (R-ME).

Independent: Jeffords, Jim (I-VT).

Democrats: Akaka, Daniel (D-HI), Baucus, Max (D-MT), Biden, Joe (D-DE), Bingaman, Jeff (D-NM), Boxer, Barbara (D-CA), Cantwell, Maria, (D-WA), Clinton, Hillary (D-NY), Dayton, Mark (D-MN), Dodd, Christopher (D-CT), Durbin, Dick (D-IL), Feingold, Russ (D-WI), Harkin, Tom (D-IA), Johnson, Tim (D-SD), Kennedy, Edward (D-MA), Kerry, John (D-MA), Kohl, Herb (D-WI), Lautenberg, Frank (D-NJ), Leahy, Patrick (D-VT), Levin, Carl (D-MI), Lieberman, Joseph (D-CT), Lincoln, Blanche (D-AR), Menendez, Robert (D-NJ), Mikulski, Barbara (D-MD), Murray, Patty (D-WA), Nelson, Ben (D-FL), Obama, Barack (D-IL), Pryor, Mark (D-AR), Reed, Jack (D-RJ), Rockefeller, John (D-WV), Sarbanes, Paul (D-MD), Schumer, Charles (D-NY), Stabenow, Debbie (D-MI), Wyden, Ron (D-OR).

AAU staff thanks those members of the CFR who asked their Senators to sign the letter.

OTHER CONGRESSIONAL DEVELOPMENTS

CONGRESS PASSES ANIMAL ENTERPRISE TERRORISM BILL

In an important victory for the biomedical research community, the House November 13 approved by voice vote the Animal Enterprise Terrorism Act, which imposes tough sanctions on those who threaten and endanger researchers who use animals in their work. The measure (S. 3880, H.R. 4239) was passed by the Senate on September 30. It has not yet been signed by the President.

The final bill, which was the product of bipartisan negotiations in both the House and Senate, will strengthen penalties against animal rights advocates who conduct violent or threatening activities against animal researchers, those who care for animals used in research, and others. Unlike the earlier version of the House bill, the bill now clarifies congressional intent that the measure not be construed as prohibiting conduct protected by the First Amendment, and removes previous provisions related to the death penalty and wiretapping.
FINANCE COMMITTEE HEARING DECEMBER 5 TO FOCUS ON TAX-EXEMPTION OF COLLEGES AND UNIVERSITIES  UPDATED

Senate Finance Committee Chairman Charles Grassley (R-IA), joined by incoming Chairman Max Baucus (D-MT), is planning a hearing tentatively scheduled for December 5 on potential tax abuses by colleges and universities. Among the topics that will be addressed are coaches’ salaries, executive compensation, endowments, and college costs.

The Chronicle of Higher Education cites a committee staffer, who says the panel plans “to explore why tuition rates continue to climb so rapidly, particularly as many college endowments are ballooning and the compensation of college administrators and sports coaches is reaching new highs…” The committee is expected to consider whether colleges and universities deserve tax benefits if they are not doing enough to ensure better access for students from lower- and middle-income families. The hearing is apparently connected to potential legislative action next year on the tuition tax credit, which expired this year and was not included in a tax-reform bill, as well as other potential tax legislation related to higher education.

Additional information on the hearing, which is not yet listed on the Senate Finance Committee Web site, will be provided when it is available.

SENATOR KENNEDY DISCUSSES 2007 AGENDA FOR HELP COMMITTEE  NEW

Senator Edward Kennedy (D-MA) incoming chairman of the Senate Health, Education, Labor, and Pensions Committee, said on November 15 that his top priorities for the next Congress will be to increase the minimum wage, expand federal funding for stem cell research, and approve health information technology legislation. CongressDaily reports that the Senator, who discussed his priorities during a floor speech said he thought all three bills could be passed early in the year.

Also on the list of the Senator’s priorities is reauthorization of the Higher Education Act, with an emphasis on increasing Pell grants, capping student loan payments, and cutting student loan interest rates. Not high on his list, however, is reauthorization of No Child Left Behind, one of the President’s top priorities for 2007.

OTHER

TASK FORCE URGES PRESIDENT TO ADD DEFENSE RESEARCH TO ACI IN FY08 AND RELEASES ITS LATEST COMPETITIVENESS BENCHMARKS REPORT  UPDATED

At a November 16 press conference, the Task Force on the Future of American Innovation, a business-academic coalition in which AAU participates, called on President Bush to include basic research (6.1) at the Department of Defense in his American Competitiveness Initiative (ACI). Members of the task force were joined at the press event by former House Speaker Newt Gingrich; David Abshire, President and CEO of the Center for the Study of the Presidency; and Larry Wortzel, Chairman of the U.S.-China Economic and Security Review Commission.

The innovation task force, a coalition of industry, scientific societies, and higher education associations, also released “Measuring the Moment: Innovation, National Security, and
Economic Competitiveness.” This is the group’s second report providing benchmarks to help determine how well the nation is doing in its efforts to retain global economic leadership.

A copy of the report and accompanying press release are available at: http://futureofinnovation.org/reports/.

The report provides benchmarks for areas important to innovation and economic competitiveness, including education, workforce, patents and publication of scientific papers, and research investment, in which other regions and nations, particularly the rapidly developing economies of Asia, are pressing for global leadership.

The group praised both President Bush and Republicans and Democrats in Congress for their support this year of the ACI while pointing out the importance of the Pentagon’s basic research programs to the nation’s economic competitiveness and national security.

The group noted that such technologies as the Internet, radar, lasers, fiber-optic-based communications, satellite and global positioning system navigation, and precision guidance technologies were the end results of basic defense research. Many of these technologies also have civilian uses in such areas as manufacturing, transportation, telecommunications, and health care that have benefited the nation’s economy and quality of life.

The report notes that federal spending on defense basic research has remained flat after allowing for inflation for more than three decades.

The original 2005 task force report entitled, “The Knowledge Economy: Is the United States Losing Its Competitive Edge” (http://futureofinnovation.org/PDF/Benchmarks.pdf), was one of the first of a series of reports, including the National Academies of Sciences’ “Rising Above the Gathering Storm,” that convinced many in Congress to support greater federal investments in basic research and led the Administration to propose the ACI.

The Task Force on the Future of American Innovation, a coalition of businesses and business organizations, scientific societies, and higher education associations, was founded in 2004 to advocate greater federal investments for basic research in the physical sciences and engineering. The group focuses specifically on the National Science Foundation, the Department of Energy Office of Science, the Department of Defense research budget, and the National Institute of Standards and Technology labs at the Department of Commerce.

The National Humanities Alliance, a group of 93 organizations, centers, and institutions, including AAU, sent a letter to Office of Management and Budget Director Rob Portman November 14 urging an increased investment for the National Endowment for the Humanities in the Administration’s FY08 budget request.

A copy of the letter is available on the AAU Web site at: http://www.aau.edu/budget/Ltr_NHA_FY08_111406.pdf.
A group of higher education associations, including AAU, wrote to members of the Senate November 16 urging them to oppose inclusion of a “broadcast flag” provision in any telecommunications legislation that might be considered during the closing session of Congress, including as part of an appropriations bill. The organizations expressed concern that the broadcast flag provision contained in the telecommunications bill approved by the House and by the Senate Commerce Committee (H.R. 5252) would harm universities’ ability to include certain copyrighted news, public affairs, and related materials in educational programming. The letter argues that the Senate should consider any such provision in regular order and not as part of an end-of-session legislative package.

A copy of the associations’ letter is available on the AAU Web site at: http://www.aau.edu/intellect/Ltr_BrdcstFlag_111606.pdf.

A “broadcast flag” is a signal put into digital TV broadcasts that bars a receiving device from redistributing the flagged content. It helps content owners protect their copyrighted material from widespread distribution of perfect copies over the Internet. The broadcast flag proposal in the House telecommunications reform bill (H.R. 5252) would also require manufacturers to produce receiving devices that are flag-compliant. These devices would “comply” with the broadcast flags and not redistribute the flagged content. However, the broadcast flag technology would also override limitations and exceptions to copyright rights such as fair use and distance education. Efforts are underway to amend the broadcast flag legislation to permit exemptions from the technological restrictions for non-commercial education and research uses. The challenge is to find a way to permit such uses without opening the door to market-damaging infringing redistribution of valuable copyrighted content.

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