Friday, November 3, 2006

CONGRESSIONAL SCHEDULE

The House and Senate are in recess through the November election and scheduled to return on November 13 for a lame-duck session.

*CongressDaily* reports that Senate Majority Leader Bill Frist (R-TN) is now saying that the lame-duck session is likely to last into mid-December because of the massive workload members face when they return. Senator Frist previously had said the Senate would be in session only through the week of November 13. House Republican leaders had said earlier they expected the session to last into December. The publication also reports that the outcome of the election might affect the schedule because there might be “little appetite after Nov. 7 for a prolonged lame duck.”

At the top of the post-election agenda is finishing up appropriations for FY07, which began October 1. The House and Senate have approved just two FY07 appropriations bills—Defense and Homeland Security—leaving domestic and foreign aid programs funded on automatic pilot through a continuing resolution (CR) that lasts through November 17.

Senator Frist said the Senate would consider the Military Construction and Veterans Affairs bill the week of November 13 and that he would make a “good faith” effort to complete the remaining bills in December if Senators are willing to return. *CongressDaily* reports, however, that this time frame “might preclude Senate floor action on the more difficult bills such as the Labor-HHS measure.” The publication adds that a yearlong CR is unlikely because of strong objections from appropriators of both parties. The alternatives would be approval of an omnibus package combining the remaining appropriations bill or leaving the FY07 appropriations unfinished until the New Year.

*CongressDaily* further reports that lawmakers also hope to approve a bipartisan package extending such popular tax breaks as the research and development tax credit and the deduction for state and local taxes. The extenders might be packaged with a measure to prevent the scheduled five-percent cut in physician payments under Medicare. Senate Finance Committee Chairman Charles Grassley (R-IA) said in a statement that he is committed to passing legislation to block the cut in physician payments but noted that consideration of the legislation could prolong the lame duck session and would require finding about $11 billion in offsets.
This week, the Department of Education issued a final regulation for the Academic Competitiveness Grant (ACG) and the National Science and Mathematics Access to Retain Talent (SMART) Grant programs.

The final regulation, which details the eligibility requirements for students to apply for and receive an award, is unchanged from the interim guidelines issued last spring. During the comment period, AAU and the higher education community expressed objections to the interim guidelines because of a wide range of perceived problems in how the department officials planned to interpret the new law. In particular, the community objected to a provision making colleges responsible for verifying that a student had completed a rigorous secondary-school program of study. Higher education advocates argued that this would place a “breathtaking new administrative burden” on institutions. The final regulations go into effect immediately but will expire at the end of the 2007-08 academic year.

Regulations for the 2008–09 award year and subsequent award years will be developed through negotiated rulemaking, which Secretary Margaret Spellings intends to conduct with college leaders and other interested parties, as required under the Higher Education Act.

The department also issued a separate set of final regulations for carrying out changes in the student loan and other financial aid programs that were enacted as part of the Higher Education Reconciliation Act in February 2006. The final regulations do not make any substantive changes to the interim regulations issued on August 9, 2006. These final regulations are effective December 1, 2006.

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