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CONGRESSIONAL SCHEDULE  NEW

The House is not in session today; the Senate is in session with no roll call votes. Both chambers will be out of session next week for the July Fourth recess and will return the week of July 9.

When the Senate returns on Monday, July 9, it will consider the Defense authorization bill (S. 1547), which is expected to be a vehicle for Democrats to challenge the Administration’s prosecution of the war in Iraq.

The House will return on Tuesday, July 10, but no floor program has been announced.

BUDGET & APPROPRIATIONS

HOUSE PASSES INTERIOR BILL WITH NEH FUNDING INTACT

The House yesterday approved the FY08 Interior appropriations bill (H.R. 2643), which funds the National Endowment for the Humanities (NEH), with no changes to the $160 million budget approved in committee for the Endowment. The NEH total is $19 million above the President’s FY08 request and FY07 funding. By comparison, the Senate committee-passed bill (S. 1696) would provide NEH with $146 million, or $14 million less than the House bill.

SENATE PANEL VOTES FUNDING INCREASES FOR NSF AND NASA  UPDATED
The Senate Appropriations Committee approved the FY08 Commerce-Justice-Science appropriations bill yesterday with no changes from subcommittee in overall funding for the National Science Foundation (NSF) and NASA.

**National Science Foundation.** For NSF, the bill would provide $6.553 billion, an increase of $124 million over the President’s FY08 request, $52 million above the House number, and $637.8 million, or nearly 11 percent, above FY07 funding.

Within that total, Research and Related Activities (R&RA) would receive $5.156 billion, an increase of $24.4 million above the President’s request and $636 million above the FY07 level. The total reflects the Administration’s plan, endorsed by both House and Senate appropriations committees, to move the $100-million Experimental Program to Stimulate Competitive Research (EPSCoR) out of the Education and Human Resources Directorate into R&RA.

The Education and Human Resources Directorate would receive $850.6 million, an increase of $100 million over the request and $152.6 million over the FY07 level. The increases would be dedicated to K-12 math and science programs.

Major Research Equipment and Facilities Construction would receive the requested level of $244.7 million, which is nearly $54 million above the FY07 level.

**NASA.** The bill includes $17.46 billion for NASA, an increase of $150 million above the Administration’s FY08 request and $1.2 billion above FY07 funding, but about $139 million below the House level. Science programs would receive $5.66 billion, which is $144 million above the President’s FY08 request and about $40 million below the House level. Aeronautics would receive $554 million, which is $150 million below the House level and the same as the President’s FY08 request.

C-J-S Subcommittee Chair Barbara Mikulski (D-MD), Ranking Member Richard Shelby (R-AL), and Senator Kay Bailey Hutchison (R-TX) offered an amendment to provide an extra $1 billion in emergency spending for NASA, but they withdrew it at the request of the full committee leadership. The three Senators said they will bring up the amendment again when the bill is considered on the Senate floor.

The purpose of the amendment is to reimburse the agency for costs associated with the return to flight of the space shuttle following the Columbia tragedy, which forced cuts in the science, aeronautics, and exploration accounts. As emergency spending, the added funding would not be subtracted from the budgets of other agencies in the bill.


**SENATE COMMITTEE VOTES NEARLY $4.5 BILLION FOR DOE OFFICE OF SCIENCE UPDATED**

The Senate Appropriations Committee approved the FY08 Energy and Water Development appropriations bill yesterday with the same $4.497 funding level for the Department of Energy (DOE) Office of Science that was approved June 26 in subcommittee. The Office of Science total is $99 million more than the FY08 budget request and $17 million less than the House level.
Overall funding in the Senate bill is nearly $2 billion more than the President’s request. He has threatened to veto any funding measure that exceeds his request unless the additions are offset by reductions in other appropriations bills.

Funding in the Senate bill for specific DOE Science programs is as follows:

**High Energy Physics.** $789.2 million, $7 million more than the $782.2 million contained in both the budget request and the House bill.

**Nuclear Physics.** $471.3 million, the same as the budget request and the House-approved level.

**Biological and Environmental Research.** $607.8 million, nearly $30 million more than the House-approved level of $581.9, and $70 million more than the FY08 budget request of $531.9 million. The bill specifically designates $20 million in BER funds for nuclear medicine research. A large portion of the remaining increase in the BER account is designated for congressionally directed projects. These projects are listed in the report language that accompanies the bill.

**Basic Energy Sciences.** $1.512 billion, $14 million more than the $1.498 billion contained in both the budget request and House bill.

**Advanced Scientific Computing Research.** $334.9 million, about $5.3 million less than the $340.2 million in both the budget request and the House bill.

**Fusion Energy Sciences.** $427.9 million, the same as both the budget request and the House-approved level.

**Scientific Infrastructure.** $89 million, an increase of $10 million over the budget request of $79 million.

**Workforce Development.** $11 million, the same as the budget request and the House level.

**SC Program Direction.** $189.3 million, the same as the budget request and $6.6 million more than the House level of $178.3 million.

The Senate committee report includes language requiring the Department of Energy to report back to the panel when the President submits his FY09 budget on how the agency plans to coordinate activities between the Office of Science and the Office of Energy Supply and Conservation.

A press release on the markup is available on the Senate Appropriations Committee Web site at: [http://appropriations.senate.gov](http://appropriations.senate.gov).

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**OTHER CONGRESSIONAL DEVELOPMENTS**

**SENATE ABANDONS COMPREHENSIVE IMMIGRATION BILL**

The Senate yesterday failed to achieve cloture on moving to a final vote on the comprehensive immigration bill (S. 1348), likely dooming further consideration of the measure. The vote for cloture was 46-53, which was 14 votes short of the 60 needed to end debate and move to a final vote. Although Senate Majority Leader Harry Reid (D-NV) could bring back the bill at a later
date, news reports indicate that is unlikely. CongressDaily reports that without a Senate bill, the House also is unlikely to move forward. The publication quotes Zoe Lofgren (D-CA), chair of the House Judiciary Immigration Subcommittee: “The Senate voted for the status quo, and its inability to move forward on comprehensive immigration reform effectively ends comprehensive immigration reform efforts in the 110th Congress.”

As previously reported, the university research community has raised serious concerns about several issues in the underlying Senate immigration bill, as well as in amendments that were under development throughout the process of Senate consideration. These concerns centered on elimination of dual intent for H-1B visa holders; elimination of the 20,000 visa set aside for foreign students who have earned an advanced degree from a U.S. university; and changing the visa preference system from employer-sponsored to an individual merit-based point system.

The issues are detailed in a June 6 letter sent to all members of the Senate by AAU and the National Association of State Universities and Land-Grant Colleges. The letter is available on the AAU Web site at: http://www.aau.edu/homeland/Ltr_AAU-NASULGC_S1348_6-6-07.pdf.

SENATE HELP COMMITTEE APPROVES FOLLOW-ON BIOLOGICS BILL

The Senate Health, Education, Labor, and Pensions (HELP) Committee on June 27 approved legislation (S. 1695) to allow the Food and Drug Administration (FDA) to approve generic versions of complex biotechnology drugs, called follow-on biologics (FOBs). While the bill’s authors have made changes of importance to research universities—such as providing original developers of biotech drugs a window of 12 years of market exclusivity—it remains unclear if the bill approved yesterday addresses concerns that the measure would deprive patent owners, such as universities, of fundamental patent rights without an opportunity to be heard.

Prior to the markup, AAU sent committee leaders a letter and list of comments that detailed the association’s concerns about the bill. Those documents are available on the AAU Web site at: http://www.aau.edu/intellect/patents.cfm.

CongressDaily reports that HELP Committee Chairman Edward Kennedy (D-MA) plans to add S. 1695 to the Senate-passed version of the FDA reauthorization bill (S. 1082), which is expected to be conferenced with the House-passed version in July. The Senate included a placeholder in the FDA bill that allowed insertion of the FOB language. However, it is unclear whether leaders of the House Energy and Commerce Committee will agree to negotiate on the FOB provisions because they have not yet considered FOB legislation in committee. CQToday reports that Committee Chairman John Dingell (D-MI) and Health Subcommittee Chairman Frank Pallone, Jr. (D-NJ) had planned to take up biologics legislation separately this fall, following enactment of the FDA reauthorization bill.

Senator Arlen Specter (R-PA), ranking member of the Senate Judiciary Committee, has written to Chairman Kennedy and Ranking Member Mike Enzi (R-WY) asking them “not to weaken the incentives the patent system provides biotechnology companies to research and develop new groundbreaking medicines.” He added that with the Judiciary Committee’s “jurisdictional interest” in patent reform, he would “welcome the opportunity to be involved in future negotiations on amending the patent code as part of larger effort to provide a regulatory pathway for non-brand name biologic medicine.” A copy of Senator Specter’s letter is attached.

Senator Kennedy told CongressDaily that he did not want the Judiciary Committee to review S. 1695, but he would be willing to let committee members “make suggestions.”
Biotechnology drugs, called “biologics,” are products made from biological substances obtained from living organisms. These often are used like traditional drugs, but the FDA has said it does not have authority to approve generic versions of them, called follow-on biologics, or FOBs. Under the Senate committee plan, the FDA would review an FOB to ensure it is safe and effective and presents no greater health risk than the original product. The original developer of a biologic drug would have 12 years of market exclusivity; the first FOB of that product approved for market also would receive a year of exclusivity.

CONGRESS EXTENDS HEA THROUGH JULY 31  NEW

Congress on June 28 extended reauthorization of the Higher Education Act (HEA) through July 31, 2007. The action was necessary because the law was set to expire on June 30, and neither chamber is close to approving an HEA renewal. CQToday reports that the Senate Health, Education, Labor, and Pensions Committee hopes to move its committee-passed bill (S. 1642) to the Senate floor in July; the House Education and Labor Committee has not yet acted.

EXECUTIVE BRANCH

SECRETARY OF ENERGY ANNOUNCES NEW BIOENERGY RESEARCH CENTERS

Secretary of Energy Samuel Bodman on June 26 announced the three winners of the Bioenergy Research Centers competition. The program’s goals are to accelerate basic research in the development of cellulosic ethanol and other biofuels and to make biofuel production cost competitive on a national scale by 2012. DOE will invest $25 million a year in each center over five years. The three new centers will be led by the Oak Ridge National Laboratory in Tennessee, the University of Wisconsin, Madison, and the Lawrence Berkeley Laboratory in California.


Participants in the Oak Ridge center include the National Renewable Energy Laboratory in Golden, Colorado; the Georgia Institute of Technology; the University of Georgia; and the University of Tennessee, Knoxville.

The Great Lakes center will be led by the University of Wisconsin, Madison in close collaboration with Michigan State University. Other participants include Iowa State University; the University of Florida; the Pacific Northwest National Laboratory; the Lucigen Corporation in Middleton, Wisconsin; Oak Ridge National Laboratory, and Illinois State University at Normal.

Participants in the Joint Bioenergy Institute led by the Lawrence Berkeley National Laboratory in Berkeley will include UC Berkeley, UC Davis, Stanford University, Sandia National Laboratories, and Lawrence Livermore National Laboratory.

OTHER

AAU SIDE-BY-SIDE OF HEA AND REAUTHORIZATION BILLS ON WEB SITE
AAU has posted on its Web site a side-by-side comparison of three bills: the House and Senate versions of the FY08 budget reconciliation measure and the Senate Higher Education Act (HEA) reauthorization (S. 1642).

The chart can be accessed at: http://www.aau.edu/budget/HEA_ReconSBS_6-28-07.pdf.

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