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CONGRESSIONAL SCHEDULE   NEW

The Senate today considered the FY10 omnibus appropriations package (H.R. 3288) and is expected to debate the measure into the weekend, with final passage possible on Sunday, December 13. The chamber is expected to resume consideration of health care legislation (H.R. 3590) early next week.

The House today approved an overhaul of financial regulations (H.R. 4173). The chamber next week is expected to consider a second omnibus package that includes the FY10 Defense appropriations bill (H.R. 3326) and several other measures (see item below). CQToday reports that the chamber also may consider a bill (H.R. 2194) to impose sanctions on companies that supply Iran with gasoline or support its domestic production there.

BUDGET & APPROPRIATIONS

HOUSE APPROVES FY10 OMNIBUS APPROPRIATIONS BILL   UPDATED

The Senate has begun consideration of the omnibus FY10 appropriations package (H.R. 3288), which was approved by the House on December 10 by a vote of 221 to 202.

The measure includes six of the seven remaining FY10 appropriations bills, including Commerce-Justice-Science (H.R. 2847), which includes the National Science Foundation (NSF)
and NASA, and Labor-HHS-Education (H.R 3293), which includes the National Institutes of Health (NIH) and higher education and student aid programs. The AAU chart of FY10 appropriations priorities has been updated on the website.

Summaries of the six bills in the package are available on the House Appropriations Committee website, along with the full conference report and the statement of managers.

The four other spending bills in the omnibus are Financial Services (H.R. 3170), Military Construction-VA (H.R. 3082), State-Foreign Operations (H.R. 3081), and Transportation-HUD (H.R. 3288).

With just five of 12 FY10 appropriations bills signed into law, Congress is under pressure to act on the remaining seven bills before December 18, when the continuing resolution that has kept them funded since the beginning of the fiscal year expires.

--Funding Increases for NIH and Pell Grants

The committee summary of the Labor-HHS-Education provisions (H.R. 3293) in the omnibus bill indicates that NIH would receive $31 billion, which is $250 million above the Administration’s FY10 request and $692 million above the FY09 level. (Neither the FY09 amount nor the FY10 figure includes the $10.4 billion that NIH received under the Recovery Act for FY09-FY10.)

For Pell Grants, the measure sets the maximum FY10 grant at $5,550, an increase of $200 over FY09. The bill’s $17.5 billion in discretionary funding supports a maximum grant of $4,860, which, when combined with a mandatory supplement of $690, adds up to the new maximum award level.

Most other higher education programs would be flat-funded at their FY09 levels:

--Supplemental Education Opportunity Grants at $757.4 million,
--Federal Work Study at $980.4 million,
--Leveraging Educational Assistance Partnership at $63.8 million,
--Javits Graduate Fellowship program at $9.6 million, and
--Graduate Assistance in Areas of National Need at $31 million.

The TRIO programs would see an increase of $5 million to $853 million, and GEAR UP would rise by $10 million to $323 million. Funding for international programs would increase to $126 million in FY10, up from $119 million in FY09.

--NSF, NASA, and Climate Change Funding

**NSF:** The FY10 Commerce-Justice-Science provisions (H.R. 2847) in the omnibus bill provide NSF with $6.926 billion, which is $436 million, or 6.7 percent, above the FY09 level and $119 million below the Administration’s request of $7.045 billion. (Neither the FY09 funding nor the FY10 amount includes the $3 billion that NSF received under the Recovery Act for FY09-FY10.)
The committee summary says, “The bill supports the President’s commitment to double funding for basic scientific research in key agencies over 10 years.”

Within the FY10 total, the conference report includes $5.618 billion for Research and Related Activities, which is $435 million, or 8.4 percent, above the FY09 level and $115 million, or two percent, below the FY10 request.

For NSF Education and Human Resources, the agreement provides $872.76 million, which is $27.5 million, or 3.3 percent, above FY09 funding and $15 million, or two percent, above the FY10 request.

Major Research Equipment and Facilities Construction would be funded at $117.29 million, which is $35 million below FY09 funding and equal to the FY10 request.

**NASA:** For NASA, the conference agreement would provide $18.724 billion, which is consistent with the Administration’s FY10 request and $942 million above the FY09 level. (The FY09 and FY10 funding levels do not include the $1 billion that NASA received under the Recovery Act for FY09-FY10.) The FY10 conference report includes $4.469 billion for Science, $501 million for Aeronautics, $3.746 billion for Exploration, $182 million for Education, and $3.194 billion for Cross Agency Programs.

The conference report also addresses two important, but unrelated, issues: NASA’s fiscal management and the future of human space flight. In order to address the conference committee’s concerns about management at the space agency, the report directs NASA to undertake several steps, including the consolidation of all programmatic and institutional construction and environmental compliance activities into a new account. Further, the report directs NASA to include in its annual budget justifications the amount the agency assumes is needed for a program, as well as the amount the agency is actually proposing for the program.

On human space flight, the conference report—which references the recent release of the Augustine Committee report, “Seeking a Human Space Flight Program,” and the absence of an Administration proposal on the future of human space flight—provides $3.466 billion for development of the crew exploration vehicle in FY10. Any programmatic or budgetary changes to the crew exploration vehicle plan must be approved in subsequent appropriations bills.

**Global Climate Change Research:** Given the Administration’s heightened interest in climate change research, the conference report identifies $310 million in climate change research and education at NSF and $1.32 billion for the development of space-based climate change measurements at NASA.

**FY10 DEFENSE APPROPRIATIONS BILL TO CARRY OTHER LEGISLATION**  NEW

Congressional Democrats are developing a second omnibus bill, which, CongressDaily reports, will consist of the FY10 Defense appropriations bill (H.R. 3326), as well as an increase in the debt ceiling, extension of unemployment insurance and health and food stamp assistance for the unemployed, tax breaks for small business, and funding for state and local governments to help them avoid employee layoffs.
PATH FOR RENEWAL OF EXPIRING TAX PROVISIONS REMAINS UNCLEAR

The House on December 9 approved by a vote of 241 to 181 legislation (H.R. 4213) to extend a variety of tax provisions scheduled to expire December 31, including the education tuition deduction, the IRA charitable rollover, and the research and development tax credit. But disagreements with the Senate over funding offsets for the extenders, along with the Senate’s focus on health care legislation, make final approval of the bill this year problematic.

CongressDaily reports that lawmakers could simply allow the extenders to expire and then extend them retroactively early next year. Also in play is how to deal with the estate tax, which if not extended by December 31 would fall to zero in 2010 under current law. The publication says that one option would be adding a one-year extension of the estate tax to the FY10 Defense appropriations bill.

OTHER

PUBLICATION OF NRC RANKING OF DOCTORAL PROGRAMS DELAYED UNTIL 2010

The long-awaited release of the National Research Council’s (NRC) evaluation of university doctoral programs will be delayed until 2010, reports Inside Higher Education. The NRC official overseeing the project, Charlotte Kuh, said in an email, “We have decided not to announce a publication timeline until we can be certain about it.” The NRC last published a ranking of doctoral programs in 1995.

CAPITOL HILL BRIEFING DECEMBER 16 ON ENERGY, WATER, AND CLIMATE

Members of the public are invited to attend a Capitol Hill luncheon briefing on the intersection of energy, water, and climate sponsored by the American Chemical Society. The session, “Energy, Water and Climate: Connecting the Dots” will be held on Wednesday, December 16, noon-1:30 p.m., in 2325 Rayburn House Office Building.

Speakers from academia and industry will discuss how climate change and other trends such as population growth are likely to affect both energy and water supplies. Energy is required to treat and transport water, while most power generation requires water.

Those interested in attending are asked to RSVP to science_congress@acs.org.

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