After a series of political maneuvers over the last three weeks, on May 28, the House of Representatives finally passed the America COMPETES Reauthorization Act of 2010 (H.R. 5116) by a vote of 262-150. Voting in favor were all Democrats present and 17 Republicans (http://clerk.house.gov/cgi-bin/vote.asp?year=2010&rollnumber=332).

The final version that passed the House included all the amendments that were adopted during original floor consideration of H.R. 5116 on May 12-13. The amendment required to be offered by the Republican Motion to Recommit from May 13, which would eliminate a number of new programs and freeze the authorized funding at fiscal year (FY) 2010 levels among other provisions, was broken into nine pieces, each of which was voted on separately on May 28. All but two of these pieces were defeated: one prohibiting funds authorized in the bill from being used for salaries of federal employees who have been officially disciplined for viewing pornography, and one prohibiting funds from going to universities that deny campus access to military recruiters. These provisions were thus added to the bill.

This tactic preserved the length and amount of the funding levels in the authorization bill as brought to the floor. Specifically, H.R. 5116, as passed, authorizes funding levels for the next five years that would keep the National Science Foundation (NSF), the Department of Energy (DOE) Office of Science, and the National Institute of Standards and Technology (NIST) core programs on a ten-year doubling path. The bill also includes language on interagency programs, the Advanced Research Projects Agency-Energy, the Energy Innovation Hubs, and Department of Commerce programs. Particular themes of the policy language in the legislation include economic and societal impact of research; innovation and manufacturing; and science, technology, engineering and mathematics (STEM) education and workforce development at all levels.

The bill also includes a provision, added to the bill by Rep. George Miller (D-CA), Chairman of the House Committee on Education and Labor, that is of particular concern to the university community. It would require research agencies to make indirect cost payments to public universities dependent on their compliance with labor union information requests. The higher education associations are working to resolve this issue with Rep. Miller and reaching out to the Senate to educate staff about the context and concerns related to this provision.

In general, the bumpy process for passing the bill in the House highlights the differences between consideration of COMPETES legislation in 2007 and this year. In 2007, the final version of the COMPETES bill passed the House 367 to 57 and the Senate by unanimous consent. The debate in 2010, particularly about the level of funding that should be authorized for research and education programs and whether any new programs should be established, has been much fiercer. The rhetoric by some Members on both sides and the procedural tactics used during House floor debate reflect the fact that the
elections coming up in just over five months are shaping Congressional choices even on relatively bipartisan areas such as support for research.

The focus now turns to the Senate, which is developing its own version of the COMPETES reauthorization. Senate staff have indicated that they are sensitive to the issues associated with funding levels and new programs, and the current goal in the Senate is to have a less expansive bill than in the House, with fewer programs authorized or established to increase the likelihood of bipartisan support for rapid consideration and passage. Draft language of the Senate version is expected to be released for community comment soon.