

# GOVERNMENT HIGHLIGHTS

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University of Pittsburgh

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**Don't forget to register to vote for the General Election, November 7, 2006.**

**Voter Registration Deadline: October 10, 2006.**

**Voter Registration Forms are Available at the**

**Office of Governmental Relations  
University of Pittsburgh  
710 Alumni Hall  
4227 Fifth Avenue  
Pittsburgh**

**Deadline for Applications for Absentee Ballots: October 31, 2006  
Deadline for the Submission of Absentee Ballots: November 3, 2006**

**For more information, call:**

**412 624-6011**

**Or**

**Allegheny County Division of Elections, 412 350-4500**

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*Federal Government Developments*

**President Addresses U.N. General Assembly**

President George Bush on September 19 addressed the General Assembly of the United Nations and reiterated the Administration's positions on the need to remain in Iraq until there is greater stability, the importance of Iran stopping its nuclear activities, and the expectation that Iraqi forces will increasingly be able to handle the national defense.

**House and Senate Recess Until After November 7 Election**

Both the U.S. Senate and the U.S. House of Representatives recessed in the early morning hours of September 30 until mid-November to permit the legislators to campaign for races in the General Election on November 7. While some analysts have considered the Second Session of the 109<sup>th</sup> Congress to be light on accomplishments, the last week before recess saw the completion of a number of significant bills, including the Reauthorization of the Department of

Defense, a military tribunals/interrogation bill, and two FY2007 appropriations bills—Defense and Homeland Security. However, since the remainder of the appropriations bills have not been passed and the Federal Fiscal Year began on October 1, Congress had to pass a continuing resolution (CR) to provide operating funds for the federal departments and agencies for which appropriations bills have not been passed by that date, in order to avoid mass shutdowns. The CR will fund government operations until November 17.

### **Defense Funding Approved**

Both the Senate (by a vote of 100-0) and the House (394-22) approved the conference report for the FY2007 Defense Appropriations bill (H.R. 5631; H.Rpt. 109-676) prior to recess. The bill has been signed by President Bush into law, an imperative because it also contained the FY2007 continuing resolution authorizing funding for departments and agencies for which no appropriations bills have been passed. The continuing resolution (see article below) funds programs at their FY2006 levels or the FY2007 level proposed by the House or Senate, whichever is lowest.

Overall, the FY2007 funding for defense is \$447.6 billion, the same as the House-passed level and \$4 billion below the President's request in order to fund domestic programs.

Funding for basic and applied research—with increases of 5.6 percent and 2.2 percent respectively—fared better than overall science and technology (S&T) programs in FY2007, which were increased less than one percent (0.7 percent). Total funding for S&T programs is \$13.3 billion, which is \$87.4 million above the FY2006 level. S&T programs include defense-wide and military service funding for 6.1 basic research, 6.2 applied research, and 6.3 advanced technology development.

For 6.1 research, the conference report provides \$1.55 billion, an \$83.3 million increase over FY2006 funding and 9.2 percent more than the Administration's request. The measure funds the National Defense Education Program/SMART program at \$19.5 million, which is \$9.4 million above FY2006 and the same as the Administration's request.

For 6.2 research, the conference report provides \$5.28 billion, 18 percent more than the President's request. Advanced technology development (6.3) receives \$6.49 billion, a 1.7 percent reduction from the FY2006 funding level, but a 25.3 percent increase over the request.

Funding for the Defense Advanced Research Projects Agency (DARPA) is \$33.14 billion, which is \$156.7 million or 5.3 percent above FY2006, but 4.8 percent below the President's request.

A breakout of the appropriations for research accounts of interest to research universities, including the University Research Initiative accounts, is available on the AAU Web site at: <http://www.aau.edu/budget/07DODTable.pdf>.

### **Continuing Resolution Passed to Keep Government Operating**

With the October 1 start of the FY2007 federal fiscal year and just one of the FY2007 appropriations bills having been signed into law by that date, legislators had to pass a continuing resolution (CR) that authorizes funding to keep government departments and agencies functioning until appropriations bills are signed into law. The current CR, which was included in the FY2007 Defense Appropriations bill, extends government funding until November 17, 2006,

and assures the continuing operation of the government until that date. Legislators are scheduled to return to Washington on November 13. President Bush signed the CR into law on September 29. The publication *CQToday* reported that because neither the House nor the Senate approved the FY2007 Labor/Health and Human Services/Education appropriations bill, its funding will continue at the FY2006 level.

### **Homeland Security Appropriations Nearly Finished**

House and Senate conferees completed work on the FY2007 Homeland Security Appropriations bill (H.R. 5441) and approved the conference report before recess. It appears that conferees deleted a Senate provision that would have limited to three years universities' participation in the Department of Homeland Security Centers of Excellence program. Approximately 70 colleges and universities participate in the research efforts of seven designated centers around the country. However, the budget for the Office of University Programs budget was reduced by nearly 20 percent from the FY2006 level—to \$50 million from \$62 million. According to *Science* magazine, the reduction will prevent the office from awarding any new fellowships or naming any new Homeland Security Centers of Excellence in the new fiscal year.

The final bill appropriates \$31.9 billion, which is \$2.7 billion above the Administration's FY2007 request, along with \$1.8 billion in emergency spending for added border security and Coast Guard modernization programs.

### **Military Tribunal and Interrogation Bills Passed**

Both the House and the Senate passed the Military Commissions Act (S. 3930), a bill to create a system of justice with certain legal protections for suspected foreign terrorists. The House vote was 253-168, a tally which included support from 34 Democrats and all but seven Republicans. Regional House Members who voted for the bill are Representatives Phil English, Melissa Hart, Tim Murphy, and John Peterson—all Republicans. Area legislators who voted against the bill are Democratic Representatives Mike Doyle and John Murtha. The Senate vote was 65-34, including favorable votes from the two Senators from Pennsylvania: Senator Arlen Specter and Senator Rick Santorum. Senator Specter had tried to amend the bill to grant the habeas corpus right to foreign detainees, but the amendment failed, 51 to 48. The bill was sent to the White House for the President's signature.

The bill did not give the President the more restrictive interpretation of U.S. obligations under the Geneva Conventions he requested, but it does provide quite a bit of flexibility to the Administration in determining how to comply with treaty obligations in actions that are not "grave breaches" of the conventions. It also prohibits military commissions from considering testimony obtained through interrogation techniques that involve "cruel, unusual or inhumane treatment or punishment." The ban is retroactive only to December 30, 2005, when Congress adopted Senator John McCain's Detainee Treatment Act.

The House also passed the Electronic Surveillance Modernization Act (H.R. 5825, S. 2453, S. 2455, S. 3001) on September 29 by a vote of 232-191. The bill amends the Foreign Intelligence Surveillance Act of 1978 to include as an "agent of a foreign power" under such Act a person who possesses or is reasonably expected to transmit or receive foreign intelligence information while in the United States. It also authorizes the use of electronic surveillance for foreign intelligence purposes; authorizes the Attorney General (AG) to require any person with access to electronic communications or equipment to provide information, facilities, or technical assistance;

allows the AG to authorize the emergency employment of electronic surveillance if the AG determines that an emergency situation exists to obtain foreign intelligence information before an order authorizing such surveillance can be obtained; and authorizes electronic surveillance or physical searches for up to 60 days following an armed attack against the United States, Finally, it permits the President to authorize electronic surveillance to acquire foreign intelligence information without a court order for up to 45 days following a terrorist attack against the United States, following certification to the Congressionally intelligence committees. It does require recertification for each subsequent 45-day period.

### **Education Secretary Spells Out Higher Education Plan**

U.S. Secretary of Education Margaret Spellings, in a presentation on September 26 at the National Press Club, set out her action plan for implementing the recommendations of the Commission on the Future of Higher Education. According to the Association of American Universities (AAU), the five primary action steps include the following:

- 1) “Holding high schools accountable for results by applying No Child Left Behind principles to high schools;
- 2) Streamlining the federal student financial aid process by cutting the application time in half and notifying students of their aid eligibility in the spring of their senior year;
- 3) Creating a higher education information system with ‘privacy-protected student-level data;’
- 4) Providing matching funds to institutions and states that collect and publicly report student learning outcomes; and
- 5) Convening members of the accrediting community in November “to move toward measures that place more emphasis on learning.”

The Secretary plans to convene a summit next year with representatives from the higher education and business communities, along with student, parent, and policy organizations, “to discuss the full slate of recommendations, our progress, and specific responsibilities going forward.” A press release, the Secretary’s prepared remarks, the Web cast of the September 26 speech, and the Department’s fact sheet on the action plan are available on the Department of Education Web site at:

<http://www.ed.gov/news/pressreleases/2006/09/09262006.html>.

The six major college lobbying groups released a letter five days before the Secretary’s press conference setting out the steps they will take to strengthen the nation’s colleges and universities. The associations are: the American Association of Community Colleges, the American Association of State Colleges and Universities, the Association of American Universities, the National Association of Independent Colleges and Universities, the American Council on Education, and the National Association of State Universities and Land-Grant Colleges.

The letter calls for:

- Expanding college access to low-income and minority students;
- Increasing accountability for educational outcomes;
- Increasing opportunities for lifelong education and work-force training;
- Using new technologies to contain costs;
- Making every effort to calculate their “net price,” the cost of attendance once financial aid is taken into account, and sharing that information with consumers;
- Improving their teaching by employing new research on student learning;

- Participating in a “coordinated national effort” to smooth the transition from high school to college; and
- Paying more attention “to international issues in the curriculum, increasing proficiency in foreign languages, and expanding the number of students who acquire international experiences.”

### **Supreme Court to Consider Abortion and Integration Cases**

When its fall session begins on October 2, the U.S. Supreme Court will immediately consider a 2003 federal law banning “partial-birth” abortion and a case that could strike down local integration policies that distribute students by race.

According to Charles Lane of the *Washington Post*, the court will be considering a federal anti-abortion statute passed by a large Congressional majority and signed into law by President Bush in 2003, but which every lower court that has considered it has struck down. With two new conservative justices on the court—Chief Justice John G. Roberts and Justice Samuel A. Alito, Jr.—court watchers want to be sure that the principle of *stare decisis* will be followed, i.e. that previous court rulings should be given weight and not overruled for their own sake.

The school integration case involves voluntary integration plans in Seattle, Washington, and in Louisville, Kentucky. Under the Seattle plan, students can select any school they wish, except for new students whose enrollment would tip an oversubscribed school’s population more than 15 percentage points outside a 60-40 nonwhite-white balance. In Louisville, the policy applies from first grade through high school and tries to prevent any school from falling below 15 percent black or exceeding 50 percent black. Parents whose children were not able to attend the schools of their choice sued, alleging the policies were unconstitutional. The issues are related to those in a 2003, five to four opinion rendered by now-retired Justice Sandra Day O’Connor, which ruled that diversity could be a compelling enough governmental interest to justify the use of race as a factor in allocating places in the University of Michigan Law School. Lower courts have ruled in favor of the schools’ integration plans.

### **NAS Holds *Gathering Storm* Convocation**

The National Academy of Sciences (NAS) held a convocation on September 28 in Washington to encourage participants from public education, academia, government, industry, and business to implement the recommendations included in the innovation and competitiveness report issued by NAS in September 2005 entitled *Rising Above the Gathering Storm*. Speakers at the event included the Congressional Members who had requested that NAS develop a commission to examine and recommend ways that the United States could retain its competitiveness in a global economy, Labor Secretary Elaine Chao, West Virginia Governor Joe Manchin III, NAS Commission chairman Norm Augustine, and entrepreneur Dean Kamen who developed the high school robotics competition under the auspices of FIRST (For Inspiration and Recognition of Science and Technology). The legislators who spoke included: Senators Jeff Bingaman (D-NM), Lamar Alexander (R-TN), and Kay Bailey Hutchison (R-TX) and Congressman Sherwood Boehlert (R-NY), the retiring chairman of the House Science Committee.

As the purpose of the NAS convocation was to energize cities, regions, and states to implement the *Gathering Storm* recommendations, Pennsylvania participants including those from Pittsburgh are now examining how best to do so.

### **Deadline Missed for Agreement on U.S.-EU Airline Data Sharing**

September 30 was a date ordered by the European Court of Justice, the highest European court, for the United States and the European Union to complete a permanent new agreement on the sharing of airline passenger data. However, the deal has not been finished. Both sides stated that their discussions would continue and that flights would not be affected. Following the attacks on September 11, 2001, the U.S. government began to require that all airlines flying to the United States provide passenger data, such as name, address, and credit card information, to Customs and Border Protection. U.S. Secretary of Homeland Security Michael Chertoff said on September 30 that he had approved a draft formal agreement that “ensures the appropriate security information will be exchanged and counter-terrorism information collected by the department will be shared, as necessary, with other federal counter-terrorism agencies.” The United States wants to be able to keep such shared data longer than the currently-allowable three and one half years. It also wants to be able to share the information more broadly on a restricted, case-by-case basis.

### **White House in *State of Denial* Over Newest Woodward Book**

The White House on September 30 issued a document entitled “Five Key Myths in Bob Woodward’s Book” to address allegations in *Washington Post* Assistant Managing Editor Bob Woodward’s latest political commentary, *State of Denial*. The book reports that President Bush resisted demands to increase U.S. troop levels in Iraq and misled Americans about the level of violence there. Woodward also stated that former White House Chief of Staff Andrew H. Card, Jr., twice encouraged the President to fire Defense Secretary Donald F. Rumsfeld, one of those times with the support of First Lady Laura Bush. The White House document included references to relatively recent speeches in which the President acknowledged problems and quoted a number of Administration officials in support of its defenses.

Woodward’s book added additional fuel to the controversy fired by the leak and then partial release of the National Intelligence Estimate that concluded that the war in Iraq has actually increased the spread of Islamic radicalism around the world.

### **House Passes NIH Reauthorization Act**

The House on September 27 by a vote of 414-2 reauthorized the National Institutes of Health (NIH) (H.R. 6164), a bill sponsored by Congressman Joe Barton (R-TX), chairman of the House Energy and Commerce Committee. In an unusually open and collaborative process, committee staff shared drafts of the legislation with the Association of American Universities (AAU), the Association of American Medical Colleges (AAMC), and the Federation of American Societies for Experimental Biology (FASEB), all of which organizations have endorsed the bill.

The bill strengthens the management authority of the NIH director, requires the development of a comprehensive NIH database to track all research activity in a standardized format, and approves a five-percent budget increase for the agency each year for the three-year period of the authorization. The bill also authorizes the creation of a “common” fund to support broad, high-risk, multi-disciplinary initiatives. This fund would receive one half of any new money appropriated to NIH until it reached five percent of the agency’s total budget.

### **HEA Extension Approved**

With the previous extension of the Higher Education Authorization (HEA) Act having expired on September 30, House and Senate members before they recessed approved legislation (H.R. 6138) to extend the HEA through June of 2007.

### **Animal Anti-Terrorism Act Passes Senate**

The U.S. Senate on September 29 approved the Animal Enterprise Terrorism Act (S. 3880) with no objections. The bill, if approved by the U.S. House of Representatives and signed into law, would amend the Animal Enterprise Protection Act (Title 18, Section 43 of the U.S. Criminal Code) to provide greater protections against intimidation and harassment of researchers and their families and would address for the first time campaigns of secondary and tertiary targeting by animal rights terrorists that cause economic damage to research enterprises. The House is expected to take up the measure when it returns for the lame duck session in November.

### **Biodefense Bill Passes House**

The House passed the Biodefense and Pandemic Vaccine and Drug Development Act of 2006 on September 27, which would establish the Biomedical Advanced Research and Development Authority (BARDA) in the Department of Health and Human Services. BARDA will develop advanced countermeasures to pandemic viruses and defenses against biological attacks. The funding level in the bill for BARDA is \$160 million in 2007 and 2008. It also calls for streamlining the development of drugs designed to counter pandemics or biological attacks. In addition, it authorizes the Department of Health and Human Services to establish a National Biodefense Science Board and working groups with representatives from federal agencies; four representatives from pharmaceutical, biotechnology and medical device industries; and four from academia.

### **CDC Urges HIV Tests for Adults and Teenagers**

The Centers for Disease Control and Prevention (CDC) recommended on September 21 that all teenagers and most adults have HIV tests as part of routine medical care because too many Americans infected with the AIDS virus do not know it. The recommendation is for testing at least once for everyone aged 13 to 64 and annual tests for those with high-risk behavior.

### **Nobel Prize in Medicine Awarded to Two Americans**

Sweden's Karolinska Institute announced on October 2 that two American scientists have won the 2006 Nobel Prize in Physiology or Medicine for their discovery of a fundamental control of the flow of genetic information. The two--Andrew Z. Fire, 47, of Stanford University Medical School, and Craig C. Mello, 46, of the University of Massachusetts Medical School--will share the approximately \$1.4 million award. The scientists published a seminal paper in *Nature* in 1998 which treats how the molecule RNA, earlier considered to function only as a messenger and translator of the DNA genetic code, could actively silence genes in a process called RNA interference.

## **New Senate Competitiveness Bill Introduced**

Senate Majority Leader Bill Frist (R-TN), Minority Leader Harry Reid (D-NV), and leaders of three key committees introduced the National Competitiveness Investment Act (S. 3936) last week. The bill would authorize a number of programs designed to bolster the nation's economic competitiveness and is a legislative response to recommendations offered in the National Academies of Science report *Rising Above the Gathering Storm* (RAGS) issued in September 2005 in response to a Senate request and the Council on Competitiveness' *Innovate America* report.

The bill includes provisions from the PACE-Energy Act (S. 2197), which has been reported out of the Senate Energy and Natural Resources Committee, and the American Innovation and Competitiveness Act (S. 2802), which was approved by the Senate Commerce Committee. A section-by-section analysis of the legislation is available on the AAU Web site at: [http://www.aau.edu/research/NCIA\\_Section\\_by\\_section.pdf](http://www.aau.edu/research/NCIA_Section_by_section.pdf).

## **IOM Releases Report on Drug Safety (Used with permission of the Association of American Medical Colleges)**

“On September 22, the Institute of Medicine (IOM) released its highly anticipated report, ‘The future of Drug Safety: Promoting and Protecting the Health of the Public.’ The report contains 25 recommendations and stresses the need for the Food and Drug Administration (FDA) to implement a more robust and comprehensive system for recognizing and responding to drug safety signals that may arise during the life cycle of a drug. Decrying the marked imbalance of resources and capabilities available to the FDA for exercising its pre-marketing and post-marketing responsibilities, the IOM called on Congress to review and augment the agency's statutory authorities, and to substantially increase the FDA's annual budget, especially for the Center for Drug Evaluation and Review. The center's budget is partly derived from industry fees with tightly restricted uses. In the report, the IOM expressed concern that the FDA, as a federal regulatory agency, is so greatly dependent upon tightly restricted fees from the industry it regulates. The IOM believes this arrangement contributes to a public perception of ‘agency capture’ that undermines public confidence and the credibility of an agency that regulates nearly 25 percent of the nation's gross national product. David Korn, M.D., AAMC senior vice president for biomedical and health sciences research, served as a member of the IOM committee that produced the report.”

For information, go to: <http://www.iom.edu/CMS/3793/26341/37329.aspx>.”

## **Administration Lays Out Global Warming Strategy**

The Bush Administration on September 20 published a long-term strategic plan for using technology to limit the impact of global warming, stating again that scientific research and voluntary compliance can reduce greenhouse gases shown to cause climate change. Energy Secretary Samuel W. Bodman said the 244-page document, “Climate Change Technology Program Strategic Plan,” includes such recommendations as sequestering carbon dioxide before it enters the atmosphere and promoting hydro-powered cars.

## **TSA Eases Liquid and Gel Ban on Air Flights**

The Transportation and Security Administration (TSA) announced on September 25 that passengers on commercial airplanes will be permitted to travel with small amounts of liquids and gels (three ounces or less) in their carry-on luggage, relaxing a complete prohibition on the substances that had been in place since August 10. The permitted products, as long as they are three ounces or less, include bug spray, cream/lotions, gel/aerosol deodorants, hair products, lip gloss, liquid sanitizer, liquid soap, mouthwash, nail polish and remover, perfume, saline solution, and toothpaste. Up to four ounces of eye drops and non-prescription liquid/gel medication will also be permitted. The items all have to fit in a single, quart-size clear plastic bag with a zip top that will be examined by X-ray machines and screeners. Passengers can also bring onboard beverages bought after passing through security in the so-called “sterile” area.

## **Other Federal Developments**

--A federal judge on September 28 ordered the federal government to stop its collection efforts of \$50 million from 230,000 Medicare beneficiaries who had received refunds of premiums paid in error for prescription drug coverage. U.S. District Judge Henry H. Kennedy, Jr., ordered the administrator of the Centers for Medicare and Medicaid Services to notify every one of these beneficiaries that the individuals have the right to seek a waiver of repayment due to hardship. September 30 had been the deadline for beneficiaries to return the money.

--The Federal Reserve did not make any changes in the prime, short-term lending rate at its meeting on September 20, saying inflation remains too high but should head lower as energy prices fall and the economy slows.

--U.S. Magistrate Judge Elizabeth D. Laporte on September 20 ruled against the Bush Administration’s plan to open national forests for logging and mining. In effect, the ruling reinstated the Clinton “roadless rule,” which put almost a third of the national forests (approximately 60 million acres) off limits to most development. The judge criticized the Administration for having changed the 2001 rule without any explanation, failing to refer to any new evidence for justifying the changes, and for ignoring the consequences of the new policy on endangered species. According to Blaine Harden and Juliet Eilperin of the *Washington Post*, 97 percent of roadless areas are in 12 Western states. An Administration rule in 2005 had permitted governors to determine which roadless areas needed continuing protection, which Judge Laporte’s decision struck down.

--The Environmental Protection Agency issued a new regulation on September 21 that contains stricter standards for the nation’s air quality, particularly a reduction in the amount of soot (fine particulate matter) from 65 micrograms per cubic meter of air to 35 over a 24-hour period. However, the annual limit remains an average of 15 micrograms per cubic meter per day over the course of a year.

--Both houses of Congress approved legislation (S. 2590) to establish a Web-based, Google-like search engine to provide a single, public source of information about federal contracts and grants, including projects financed through academic earmarks.

--In a report released recently, accounting/consulting firm Deloitte Consulting concluded that the finance office of the Centers for Disease Control and Prevention (CDC) is inefficient and has had

inefficient leadership. Yet, the office executives have been given bonuses. The finance office is also the subject of an investigation by the Inspector General of the Department of Health and Human Services. The Government Accountability Office is investigating as well whether CDC is appropriately monitoring five billion in state bioterrorism grants.

--The Department of Commerce announced in the September 22 *Federal Register* that the new Deemed Export Advisory Committee will hold its first meeting on October 12 in Washington, D.C. One of the five topic areas on the agenda is "U.S. academic and government research communities." Written comments may be submitted before or after the meeting. The advisory panel is co-chaired by Texas A&M President Bob Gates and former Lockheed Martin CEO Norm Augustine, who was also the chair of the National Academies of Science Commission that produced the *Rising Above the Gathering Storm* report.

--Congressman Tim Murphy (R-PA) reported that the House Energy and Commerce Committee passed the Pipeline Safety Improvement Act (H.R. 5782), which included Mr. Murphy's Pipeline Safety Emergency Notification Act (H.R. 2958). The latter bill was based on the experience of two Moon, Pennsylvania teenagers who came home from school to a house that was filling with gas from a nearby gas line ruptured by utility workers. The home eventually exploded, injuring both children. Mr. Murphy's bill establishes what he describes as "a consistent, national standard to follow in the event of pipeline damage." This would include a requirement to call 911 and to notify emergency personnel to determine if the area needs to be evacuated.

--Senate leadership recently proposed federal grants that would assist states in establishing databases to track college students' education progress (a "unit record" system), through a provision included into a broader draft bill to improve science education and economic competitiveness. Prospects for passage are not very good at this time.

--The House and the Senate approved the Children's Hospitals Graduate Medical Education (GME) Payment Program Reauthorization Act (H.R. 5574), which provides \$300 million over the next five years to free-standing children's hospitals to support the training of pediatric and other residents in GME programs. The bill goes to the President for his signature.

--The national Republican Party selected the Twin Cities of Minneapolis and St. Paul as the location for the 2008 Republican National Convention. The Mid-West location is the first time in 16 years that a coast has not been the site of the meeting. Democrats, who also had Minneapolis-St. Paul on their short list of locations, will now choose between New York and Denver.

--The space shuttle Atlantis returned home safely on September 21, despite concerns about the nature of some dark debris that showed up on photographs of the spacecraft.

--The Department of Homeland Security awarded \$191 million in grants on September 25 to defend ports, transit systems, and bus lines from terrorists, increasing funding for major urban areas in the Northeast and mid-Atlantic states whose funds were cut earlier this year.

--Medicare will offer access to more options for prescription drug coverage in 2007, when the next six-week enrollment period begins on November 15. Every state but Alaska and Hawaii will have more than 50 drug plans, and 23 states will have 55 or more. Medicare officials estimate that the average premium for drug coverage next year would be \$24 a month, the same amount as this year.

--According to a report published in the September 26 issue of *Proceedings of the National Academy of Sciences*, the earth's temperature has increased to levels not seen in thousands of years, warming that has begun to affect plants and animals. The study also found that the recent warming has brought temperatures to within about one degree Celsius—1.8 degrees Fahrenheit—of the maximum of the past million years.

--British billionaire Richard Branson pledged to invest all profit from his Virgin Group airline and train businesses over the next decade—an estimated \$3 billion—to fight global warming and promote alternative energy. Branson made the announcement at the annual conference of the Clinton Global Initiative.

### **People on the Move**

--The foreign minister of South Korea, Ban Ki-Moon, is reportedly the leading candidate to succeed U.N. Secretary-General Kofi Annan and the only one of seven candidates to be given a majority of votes. Annan will give up his post on December 31 when his second five-year term expires.

--President Bush named Leslie V. Norwalk, an attorney who has served in both Bush Administrations, as acting chief of the Centers for Medicare and Medicaid Services (CMS). Norwalk, 40, is currently the deputy administrator at CMS and has served on Medicare's senior leadership team for the past five years. One of her first jobs will be overseeing the next enrollment period for Medicare Part D, the prescription drug benefit, which begins November 15.

--The National Science Foundation (NSF) announced that Cora Marrett, Senior Vice President for Academic Affairs at the University of Wisconsin System, will become the agency's Assistant Director for Education and Human Resources, effective February 1, 2006. Dr. Marrett also served as NSF's first Assistant Director for Social and Behavioral sciences from 1992-1996. She holds a Ph.D. in sociology from the University of Wisconsin-Madison and is a fellow of both the American Association for the Advancement of Science and the American Academy of Arts and Sciences.

--The Senate Health Education Labor and Pensions Committee approved on September 20 the nomination of Dr. Andrew von Eschenbach to lead the Food and Drug Administration (FDA), but two senators have promised to block his confirmation by the full Senate. Senator Jim DeMint (R-NC) wants von Eschenbach to suspend sales of the abortion pill RU-486 and Louisiana Senator David Vitter (R) wants the FDA to legalize the importation of some prescription drugs from Canada.

--The Department of Homeland Security selected Greg Garcia as the assistant secretary for cybersecurity and telecommunications, a position that has not had a permanent incumbent for a year.

### **Scientists Form New Political Committee**

The *Chronicle of Higher Education* recently reported that politically active scientists have formed a new, non-partisan political committee called Scientists and Engineers for America with John H. Gibbons and Neal F. Lane as leaders of the group. The committee plans to challenge political leaders who “systematically ignore scientific evidence and analysis, put ideological interests ahead of scientific truths, suppress valid scientific evidence, and harass and threaten scientists for speaking honestly about their research.”

## Local and Commonwealth Government Developments

### **Mayor Appoints Regan For Public Safety Post, Names Board Members**

Pittsburgh Mayor Luke Ravenstahl has appointed Director of Operations Dennis Regan to the post of Public Safety Director, pending approval by City Council. The Mayor also made several other appointments on Monday, October 2<sup>nd</sup>: Mayor Ravenstahl's Chief of Staff Yarone Zober was appointed to the Urban Redevelopment Authority Board; Planning Director Pat Ford was named to the Parking Authority Board; and African American Chamber of Commerce President Doris Carson Williams was named to the board of the City's Housing Authority.

### **Senate Amends Gaming Law**

The Pennsylvania Senate last week unanimously approved legislation aimed at making the 2004 law establishing and regulating casinos more open and accountable to the public. Senate approval came the same day the state Gaming Control Board approved five temporary slots licenses at race tracks. Following months of bipartisan negotiation, the legislation won Senate approval without a single word of debate. It must still win House approval.

The legislation would:

- Clarify the slots law to ensure the state's open records law applies to the Gaming Control Board.
- Require the board to go through the same budget process in the Legislature as other state agencies. The board would need to justify its spending at public budget hearings.
- Give the state Attorney General full power to investigate gambling-related crimes.
- Eliminate a requirement under the slots law that suppliers -- or middlemen -- be used to sell slot machines to casinos.
- Eliminate a controversial provision that public officials may own up to one percent of a casino.
- Establish a "market cap," holding that casinos cannot have more than 50 percent of their slot machines from one manufacturer.

The state House is expected to debate Senate-passed amendments to Pennsylvania's slot machine law in early October. If the House agrees with the 31 changes made by the Senate, the bill will go to Governor Ed Rendell for his signature.

### **Board Awards First Casino Licenses**

The Pennsylvania Gaming Control Board has finally licensed the first gambling casinos in the state when it approved slots permits for five racetracks last week. The decision means some slot machines will likely be operating by year's end.

Pocono Downs, a racetrack/casino near Wilkes-Barre, will probably be the first to open, by late November, with another at Philadelphia Park in Bucks County, north of Philadelphia, to open in December. The Meadows parlor, located in Washington, PA, will not open that quickly. It expects to start construction this fall on a temporary \$40 million casino with 1,800 slots. That is

to open by May, 2007, with a permanent \$135 million casino with 3,000 slot machines likely by mid-2008.

The other racetracks that won licenses were Harrah's Chester Casino and Racetrack at Chester Downs in Delaware County, south of Philadelphia, and Penn National racetrack in Dauphin County, near Harrisburg.

The board delayed approval for at least a month on a sixth racetrack license: a proposed \$250 million facility in Erie called Presque Isle Downs. Gaming board officials said they might award the slots license for Presque Isle Downs at their meeting on October 25, after they do more investigation into the background of some vendors doing business at the casino.

Last week's action was the biggest step toward casino gambling since the Legislature, in July 2004, legalized as many as 61,000 slot machines at 14 locations statewide. The law stipulated that licenses for seven racetracks would come first, but groups in Lawrence and Beaver counties are competing for the seventh track. Each track must pay the state a one-time \$50 million licensing fee within four months.

The next big step will come December 20th, when slots licenses for up to five stand-alone casinos, including the one in Pittsburgh, will be issued. That competition is expected to be more heated than that for the racetracks, because there are more applicants than licenses.

### **County Council Approves Smoking Ban . . .**

Allegheny County Council voted overwhelmingly last week to prohibit smoking in restaurants, bars and other workplaces, moving the legislation into the hands of the chief executive for approval. The ordinance passed on a 14-to-1 vote.

Chief Executive Dan Onorato received the bill September 29 and will have a week to make a decision. Council appears to have enough votes to override a veto. Mr. Onorato initially said he planned to approve the no-smoking ordinance as long as it did not contain "too many exemptions." He previously indicated that he would prefer a statewide ban to a local one.

The ordinance exempts specialty tobacco establishments and allows hotels and similar lodgings to set aside 25 percent of their rooms for smokers. Council amended the ban so that nonprofit organizations can apply for a waiver to allow smoking at fund-raisers. However, the nonprofit is limited to 12 waivers per year, and minors would not be permitted to attend the event. Another amendment broadened the scope of the ban. Under the ordinance, smoking would not be allowed on property owned wholly or in part by a health-care facility. The sole vote against the ordinance was cast by Rich Nerone.

### **. . . But Will It Stand?**

The Pennsylvania Senate's recently passed gaming bill exempts casinos from local anti-smoking legislation, even though the county proposal had been in the public domain for months. County Chief Executive Dan Onorato, who earlier said he was inclined to support the ban, has now threatened to veto it. The smoking ban, which County Council approved 14-1, would prohibit smoking in bars, restaurants and other public areas, including casinos. Council President Rich Fitzgerald, D-Squirrel Hill, the ban's primary sponsor, said the Senate's action might force council to withdraw the ordinance.

While County Council apparently was unaware of the Senate's smoking exemption, Senator Jane Orié, R-McCandless, who sponsored the gambling reform bill in which it was included, was equally unaware of County Council's intention to adopt a smoking ban. County Council may now come together and lobby local lawmakers and Governor Ed Rendell to exempt the county from any law allowing smoking in casinos. If that fails, council might have to consider withdrawing its bill, they said.

Christopher Craig, general counsel to Senator Vincent Fumo, said the smoking provision was in the bill when it surfaced in June, but there was no vote then. It has been available on the Internet as part of the Senate amendment for several weeks.

Jared Barker, County Council's director of legislative services, said he traced printer's numbers, assigned each time a bill is amended, and found the smoking amendment did not appear until Sept. 19 -- a week before County Council's final vote on the ban. The bill was not released from the Senate Rules Committee until Tuesday.

### **Rendell Leads In Polls, Fundraising**

Republican Lynn Swann gained in the governor's race, but incumbent Governor Ed Rendell still holds a comfortable lead, according to the most recent poll of likely voters. Fifty-five percent support Governor Rendell while 39 percent support Mr. Swann and six percent are undecided, according to poll results released recently by Quinnipiac University in Hamden, CT.

Quinnipiac's August poll showed a stronger lead for Governor Rendell, with voters split 57 percent to 38 percent. The telephone poll surveyed 933 likely voters September 19-24. It has a theoretical margin of error of plus or minus 3.2 percentage points. The poll was released a day after the latest campaign finance reports showed Governor Rendell also leads Mr. Swann in fund raising. Governor Rendell has raised \$26 million this campaign, while Mr. Swann has raised \$7.7 million.

### **Gubernatorial Debates**

Democratic Governor Ed Rendell and Republican challenger Lynn Swann have agreed on two televised debates that will be made available by the originating TV stations to a statewide network. The two will debate on Wednesday, October 4, co-hosted by the *Pittsburgh Post-Gazette* and KDKA-TV at 7 P.M. The second will be held on Tuesday, October 10, hosted by WPVI-TV, the *Philadelphia Inquirer*, the *Philadelphia Tribune* and the League of Women Voters also at 7 P.M.

### **Revisiting Tobacco Fund Allocation**

Five years have passed since the state Legislature approved a plan for spending Pennsylvania's share of the national tobacco settlement. This fall, the state Senate Select Committee on Tobacco Funding has been conducting hearings to gather information, the most recent taking place on September 26. Information gathered at the hearings will be used for a report due November 30 on how the state has been using the money for a research-assistance program.

Jay Moskowitz, chief scientific officer at Penn State Milton S. Hershey Medical Center, was among the representatives of institutions and companies testifying last week at the third hearing. He said the medical center has allocated a substantial portion of its funds to diseases of concern in

Pennsylvania, including cancer, heart disease, Alzheimer's disease, Parkinson's disease, diabetes and obesity.

In 1998, the nation's tobacco companies agreed to pay \$206 billion over 25 years to compensate states for the costs of treating smokers. About \$100 million of that settlement was dedicated by the Pennsylvania Legislature to creating biotechnology greenhouses to nurture startup health science companies. Mel Billingsley, CEO of the Life Sciences Greenhouse of Central Pennsylvania, called the use of Pennsylvania's tobacco settlement money "exemplary" among the states. He said the state avoided short-term uses and focused on health needs, research and commercialization.

### **Judging The Judges**

Last week lawmakers proposed another round of measures aimed at reducing judicial salaries. The proposals are in reaction to a recent state Supreme Court decision that reinstated July 2005 judicial pay raises even though legislators had repealed them four months later, along with raises for themselves and high-ranking staff in the governor's office. State Representative Daryl Metcalfe has said he will introduce legislation to reduce judges salaries to pre-raise levels once a judge wins a 10-year retention election. By that method, it would take a decade to reduce salaries of all 1,045 judges. He also introduced a new plan to reduce terms of office from 10 years to five. At the end of the term, judges would face re-election instead of retention, as they do under the current system. Judges up for retention run unopposed.

Representative Metcalfe also wants to strike the provision in the state Constitution that allowed judges to keep their raises. That provision prohibits judicial salaries from being reduced in the middle of a term unless all other salaried state employees have their pay cut, too. The idea is to protect judges from legislative wrath in the wake of unpopular or controversial decisions. Representative Metcalfe said his plan would protect against judicial activism.

The court ruling reinstated raises that brought pay for magisterial district judges to \$74,566, up from \$66,998. Salaries of Common Pleas judges increased from \$135,293 to \$149,132. Salaries of Superior Court judges and Commonwealth Court judges now are \$162,100, up from \$150,903. The salaries of the Supreme Court justices are now \$171,800, up from \$155,783.

### **Term Two Priority**

If Governor Ed Rendell wins a second term, directing more of the Pennsylvania Higher Education Assistance Agency's (PHEAA) assets to grants for college students is on his agenda. "I think PHEAA needs a tremendous overhaul. I think we need to look at their assets and look at are we spending the assets wisely?" Rendell said in an interview with *The Patriot-News'* editorial board last week.

Governor Rendell voiced dismay over the \$852,835 in bonuses that the agency paid its seven top executives last month. "If we had rolled back those bonuses, we could have given out grants to a shockingly high number of students just coming from the bonuses themselves," he said. The number would have been about 190 grants of \$4,500, the maximum grant the agency offers.

Rendell administration officials have been critical of the board's retreats to resorts such as the Greenbriar in West Virginia and Nemaocolin Woodlands in western Pennsylvania. Governor Rendell, who admits he has little clout to affect change at PHEAA because he has only one

appointment to the agency's 20-member board, said he was frustrated earlier this year when he was unsuccessful in getting the agency to use some of its earnings -- or the money the agency has funneled to its private, nonprofit foundation -- to pay for laptop computers for high schools. He found money in the state budget to launch that \$20 million initiative.

### **Fostering Cooperation**

Pennsylvania State Representative. John Yudichak proposed an increase in grant funding for regional police departments during last week's Committee of the Whole on crime. His proposal would double the amount of grant money municipalities could receive if they regionalize their police departments. No formal vote was taken, but an informal poll indicated 170 members of the state house would support increased funding.

Currently, municipalities wanting to combine departments are eligible for \$99,000 in Regional Police Assistance Grant money. Representative Yudichak's proposal would increase that to \$198,000, and he hopes the incentive will encourage small communities to combine departments instead of disbanding or using the overstretched state police.

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