CONGRESSIONAL SCHEDULE  NEW
The House was in pro forma session this week, and will return on Wednesday, July 6, for legislative work. CQ.com reports that the chamber is expected to consider the FY12 Defense appropriations bill and possibly the FY12 Energy and Water appropriations bill, as well as a measure to limit the federal flood insurance program.

The Senate met in pro forma session today. Next week’s July 4 recess has been cancelled, so the chamber will reconvene on Tuesday, July 5 (see next item below). CQ.com says the Senate may debate the merits of American military involvement in Libya. Senate Republicans also may propose consideration of a balanced-budget constitutional amendment.

BUDGET & APPROPRIATIONS
BUDGET NEGOTIATIONS AT AN APPARENT STALEMATE  NEW
The White House-congressional budget talks remain at an impasse, even though President Obama took over the negotiations this week from Vice President Biden. As a means of showing the seriousness of the issue—and after the President castigated Congress for taking recess during the budget talks—Senate Majority Leader Harry Reid (D-NV) cancelled the Senate’s July 4 recess and announced that the chamber would reconvene on Tuesday, July 5.

Taxes remain the sticking point. The President and Senate Democrats are insisting on at least $400 million in additional revenue over 10 years, while Republican leaders are continuing to
insist on no tax increases in the package, in part because it would limit their options later for lowering tax rates. This issue is also important to House Democrats, who will probably need to provide some votes for a final compromise to be successful. White House officials say a budget deal must be struck by Friday, July 22, to give Congress enough time to write and pass legislation that implements the agreement and raises the debt ceiling. The Treasury Department has set an August 2 deadline for raising the debt limit; further delay would force Treasury to default on some federal obligations.

Although details of the negotiations have not been made public, Politico describes what cuts in discretionary and mandatory spending are in play. “Already on the table are more than $1 trillion in discretionary 10-year spending cuts and hundreds of billions more in changes affecting farm subsidies, college aid and retirement benefits for federal workers. Additional savings from health care programs like Medicare and Medicaid are in the offing, as well as a potential $300 billion change in the government’s inflation calculator affecting Social Security benefits and some revenues.”

--Senate Budget Committee Chair to Introduce FY12 Budget Resolution  NEW

Senate Budget Committee Chairman Kent Conrad (D-ND) announced on June 29 that Democrats on his panel have reached agreement on an FY12 budget resolution, which he will introduce next week. National Journal reports, however, that the committee will not mark up the plan anytime soon because Chairman Conrad wants the option to use it as the vehicle for the anticipated deficit-reduction package. This would give Democratic leaders the advantage of being able to pass the measure by a simple majority vote, rather than the 60 votes needed to overcome the threat of a filibuster.

The Senate Democrats’ FY12 budget resolution sounds as if it will be more a statement of Democratic principles than a package crafted to appeal to Republicans. Reportedly, the budget resolution would cut more than $4 trillion from the deficit over 10 years, in part, by adding $1 trillion in new tax revenues. Senator Conrad told The Hill on Wednesday that an overall deficit-reduction deal must be based on the principle of “fairness.” “The deal cannot cut Medicare benefits or slash Medicaid. It must raise tax revenues. It should make investments in infrastructure and green-energy technology to spur job growth. It should cut defense as well as domestic social spending.”

--House and Senate Appropriators Continue Work  NEW

Meanwhile, Senate appropriators this week approved their first FY12 appropriations bill—Military Construction and Veterans—despite not having a top-line discretionary spending number from an approved FY12 budget resolution. As noted last week, CQ.com reports that Senate appropriations subcommittees have been working on their bills “behind the scenes,” so they can move quickly once an overall discretionary spending figure is in place.

In the House, three appropriations subcommittees will mark up their FY12 bills on July 7: Commerce-Justice-Science—which funds the National Science Foundation and NASA; Interior-Environment—which funds the National Endowment for the Humanities; and Legislative Branch.

The House has approved three FY12 appropriations bills: Agriculture, Homeland Security, and Military Construction-Veterans. The Appropriations Committee also has approved the Defense, Energy and Water, and Financial Services bills.
OTHER CONGRESSIONAL ISSUES

SENATORS INTRODUCE BILL TO REPEAL PROBLEMATIC EDUCATION REGULATIONS

Scientists Ben Nelson (D-N) and Richard Burr (R-NC) on June 30 introduced the Protecting Academic Freedom in Higher Education Act (S. 1297) to repeal two Department of Education regulations that have proved problematic for colleges and universities. The two provisions are scheduled to go into effect today, July 1. The Senators’ effort parallels action in the House, where the Education and Labor Committee on June 15 approved similar legislation (H.R. 2117) introduced by Rep. Virginia Foxx (R-NC). (See AAU Weekly Wrap-up, June 17, 2011, for additional details on the House panel markup.)

Like the House bill, the Senate measure would repeal state authorization and credit hour provisions of the program integrity rules published by the Department of Education, as well as prohibit the Secretary of Education from promulgating any rule that defines the term “credit hour” for any purpose under the Higher Education Act. The two provisions have been strongly opposed by a majority of the higher education community as an unwarranted expansion of federal authority. A group of more than 70 higher education associations and accreditors, including AAU, have weighed in on this issue with both the House and Senate, including in a letter sent to Senate Appropriations Committee leaders on April 27 asking them to introduce legislation to repeal the two provisions.

ASSOCIATIONS SUBMIT TESTIMONY SUPPORTING THE DREAM ACT

A group of 21 higher education associations, including AAU, submitted testimony to the Senate Subcommittee on Immigration, Refugees and Border Security on June 28 urging congressional approval of the DREAM Act (the Development, Relief and Education for Alien Minors Act of 2011). The testimony was developed under the leadership of the American Council on Education.

The DREAM Act (S. 952, H.R. 1842) would provide a path to U.S. citizenship for children who were brought to the U.S. illegally before age 15, and would end the federal penalty for states that allow undocumented students to pay in-state college tuition rates.

The associations’ testimony says, “The DREAM Act is designed to focus on the special case of undocumented young people who came to this country because of the action of their parents…The bill will remove barriers to higher education for thousands of these students who have grown up in this country, attended our schools, worked hard and have the desire and capacity to make vital contributions to the nation’s economic strength and security. We need them to be able to contribute to our economy and society to the full extent of their abilities.”

SENATE PANEL APPROVES BILL TO EXTEND DHS AUTHORITY TO SET SECURITY STANDARDS FOR CHEMICAL FACILITIES

The Senate Committee on Homeland Security and Government Affairs approved legislation on June 29 that extends the authority of the Department of Homeland Security to regulate
facilities—including universities—that deal with large lists of chemicals deemed potential security hazards.

The committee approved the measure, the Continuing Chemical Facility Antiterrorism Security Act (S. 473), with just one technical amendment that extends the expiration date of the legislation to 2014. The bill is identical to one introduced in the last Congress and is primarily an extension of existing Chemical Facility Anti-Terrorism Standards (CFATS) regulations. The current regulations are set to expire in October.

AAU, APLU, and COGR have called for research universities to be exempt from CFATS regulations because of their high compliance burden. The regulations capture universities in the same class with chemical manufacturers and industrial agricultural corporations, requiring identical policy and procedure implementation and reporting. But concerns of the research community were not raised during the committee’s quick markup and approval of the bill.

The House Homeland Security Committee approved its version of the CFATS extension (H.R. 901) on June 22. The measure is only slightly different from the Senate bill. Both chambers are expected to consider their respective bills sometime this summer.

EXECUTIVE BRANCH

FEDERAL TASK FORCE SOLICITS COMMENTS ON IMPROVING CIRCULAR A-21

The Obama Administration has established a task force of federal agency representatives to consider changes to OMB Circular A-21, the federal rules governing reimbursement of expenses on federal research grants and contracts awarded to educational institutions. The A-21 Task Force has been examining ways to reduce the administrative burden and compliance costs of federally funded research, as well as whether federal agencies are applying the rule in a consistent manner.

The Task Force on June 28 issued a Request for Information (RFI) through the National Institutes of Health (NIH) asking for suggestions from the public on ways to improve A-21. Responses are due by July 28, 2011. The Task Force also plans to sponsor a town hall meeting to discuss A-21 issues sometime before the deadline for responses.

AAU, the Association of Public and Land-grant Universities (APLU), and the Council on Governmental Relations (COGR) are working together to develop comprehensive responses to the RFI. The associations also encourage individual universities to develop their own institution-specific comments.

Additional background on A-21 and other regulatory issues is available in the statement on regulatory and financial reform that AAU, APLU, and COGR submitted to the National Academies Committee on Research Universities last January.

End of document