Friday, August 8, 2008

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CONGRESSIONAL SCHEDULE  UPDATED

Both the House and Senate are out of session and will return for business on Monday, September 8. CongressDaily reports that the Senate approved a “conditional” adjournment resolution from the House that provides for several pro forma sessions until the second week of September. Senate Democratic leaders have used pro forma sessions during extended work periods to keep the President from making recess appointments.

When the Senate returns to session on September 8 it will take up consideration of the FY09 Defense authorization bill (S. 3001). No legislative program has yet been announced for the House.

OTHER CONGRESSIONAL ISSUES

SENATE ADA RESTORATION BILL ADDRESSES SOME CONCERNS RAISED BY THE HIGHER EDUCATION COMMUNITY

Senate leaders have introduced legislation to modify the Americans with Disabilities Act (ADA) (S. 3406) which takes into account some of the concerns raised by the higher education community about the version of the bill approved by the House on June 25 (H.R. 3195). The goal of the legislation is to reverse several Supreme Court decisions that have narrowed the definition of disability under the original Act.

The Senate bill that was introduced on July 31 by Senators Tom Harkin (D-IA) and Orrin Hatch (R-UT) does not include the House language stating that an impairment under ADA need only “materially restrict” a major life activity. (The House language loosens the current, court-interpreted standard of “substantially limits.”) Rather than modify the language by statute, the Senate bill simply encourages the Equal Employment Opportunity Commission to revise the portion of current regulations that defines the term “substantially limits.”
The Senate bill also spells out that accommodations requested by disabled people, “including academic requirements in postsecondary education,” are not required if they fundamentally alter the nature of the goods and services involved. This is the principle of protecting academic standards that has been of great concern to the higher education community.

Otherwise, S. 3406 is quite similar to the House-passed bill. It would expand the list of “major life activities” that a disability must substantially limit for someone to be eligible for protection under the law. It also would expand the list of the types of mitigating measures that may not be considered in determining whether an individual meets the definition of a “disability” in the first instance. Included on the list are “learned behavioral or adaptive neurological modifications.”

The Senate bill, which has 63 Senate cosponsors, follows up on a roundtable discussion convened by Senator Harkin last month with representatives from several communities, including higher education, to review concerns about the House-passed legislation. Senators Harkin and Hatch have said they intend to take their bill to the Senate floor in September.

OTHER

AAU SEEKS INDIVIDUALS WHO BENEFITTED FROM NDEA SCHOLARSHIPS AND PROGRAMS  NEW

AAU is conducting a broad survey of academic, industry, and government leaders to find individuals who benefitted directly from the National Defense Education Act (NDEA), which Congress approved in 1958 in response to the Soviet launch of the Sputnik satellite. The goal of NDEA was to improve the U.S. education system and strengthen the nation’s intellectual talent base in scientific, technical, and other fields vital to national security through fellowships, financial aid, and a variety of other programs.

Those individuals who were direct beneficiaries of the NDEA are asked to complete the survey by Wednesday, August 27. (Those unable to do so by that date are asked to still fill out the survey because AAU will continue to collect the information.) Those who know of others who may have been aided by NDEA are asked to pass along this information to them. The contact is Marcus Tang at: marcus_tang@aau.edu.

The purpose of the AAU survey is to celebrate this year’s 50th anniversary of the Act by showing how significant it has been for U.S. research and economic competitiveness and why the nation would benefit from greater federal support of research and science education.

The information collected will be used to illustrate the Act’s significance and impact. It will be highlighted at events and in accompanying materials being planned to coincide with the actual anniversary of the Act—September 2, 2008. It also will be used to demonstrate to current policymakers why the nation would benefit from strengthening federal support of scientific research and science, technology, engineering, and mathematics (STEM) education at all levels.

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