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CONGRESSIONAL SCHEDULE  NEW

The House and Senate were in session today and have adjourned for the weekend. The House approved a resolution on the Iraq war (H. Res. 861); the Senate began debate on the FY07 defense authorization bill (S. 2766). Both chambers will reconvene next Monday, June 19.

The Senate likely will take all next week to debate the defense authorization bill, according to CongressDaily. Senate Majority Leader Bill Frist (R-TN) may interrupt the debate briefly to consider a constitutional ban on flag burning (S. J. Res. 12).

The House will continue work on the FY07 appropriations bills, with the FY07 Defense funding bill scheduled for floor action. The House next week also is expected to vote on a bill to provide the President with line-item rescission authority (H.R. 4890) and on a measure to encourage the use of information technology in health care (H.R. 4157).

BUDGET & APPROPRIATIONS

PRESIDENT SIGNS INTO LAW FY06 SUPPLEMENTAL FUNDING BILL  UPDATED
The President on June 15 signed into the law the FY06 emergency supplemental funding bill (H. Rpt. 109-494). The House approved the measure on June 12 by a vote of 351-67; the Senate approved it on June 15 by a vote of 98-1. *CongressDaily* reports that only Senator Arlen Specter (R-PA), chairman of the Labor-HHS-Education Appropriations Subcommittee, voted against the bill because conferees rejected an effort to add $7 billion in education and health care funds to a “deeming” resolution on FY07 spending.

The measure contains $94.5 billion for continuing U.S. military operations in Iraq and Afghanistan, hurricane relief, bird flu preparations, and U.S. border security. The total includes $50 million for 12 Gulf Coast colleges and universities affected by Hurricanes Katrina and Rita, which will be allocated through the Department of Education’s Fund for the Improvement of Postsecondary Education. Higher education advocates were disappointed that the final bill did not include the Senate’s provision providing the Gulf Coast institutions with $30 million in grants and about $200 million in bridge loans.

The measure includes a provision to repeal the “single holder rule” for student loans. The repeal will enable borrowers who consolidate their loans to shop for a new lender offering lower interest rates or better repayment terms.

The bill also includes, as noted above, a deeming resolution that sets the Senate’s FY07 cap on discretionary spending at $873 billion, the same as the House level and consistent with the Administration’s request. The Senate Appropriations Committee is now able to allocate spending among its subcommittees and move ahead on its work.

**HOUSE CONTINUES PROGRESS ON FY07 APPROPRIATIONS BILLS; SENATE TO GET UNDER WAY**

The House has approved eight of its 11 FY07 appropriations bills. The bills approved so far are Agriculture, Energy and Water, Foreign Operations, Homeland Security, Interior, Legislative Branch, Military Quality of Life, and Transportation-Treasury.

In addition, the full House Appropriations Committee approved both the Defense and Labor-HHS-Education funding bills on June 13. The eleventh bill, Science-State-Justice-Commerce, was marked up in subcommittee on June 14 and is scheduled for full committee mark-up on June 20.

House Appropriations Committee Chairman Jerry Lewis (R-CA) has said he wants the House to approve all 11 FY07 appropriations bills before the July 4 recess, but this goal has become harder to reach. Speaking to the Ad Hoc Group for Medical Research Thursday morning, Rep. Mike Castle (R-DE) suggested that consideration of the Labor-HHS-Education bill could be delayed because an amendment raising the minimum wage was added during committee mark-up. Thursday afternoon, the House leadership pulled the Labor-HHS-Education bill from next week’s schedule. Knowledgeable staff suggest that the House leadership does not want to place Members in the position of voting against an increase in the minimum wage by voting for a rule that drops the minimum wage provision on procedural grounds. Floor consideration could be delayed until after the November elections.

Now that the FY07 discretionary spending cap for the Senate has been approved as part of the FY06 supplemental funding bill (see item above), Appropriations Committee Chairman Thad Cochran (R-MS) is expected to announce next week his subcommittee allocations. *CQToday*
reports that the FY07 Agriculture funding bill is scheduled for subcommittee mark-up next Tuesday, June 20.

LABOR-HHS-EDUCATION FUNDING BILL APPROVED BY HOUSE APPROPRIATIONS COMMITTEE CONTAINS UNDOCUMENTED- STUDENT PROVISION  

The House Appropriations Committee on June 13 approved by voice vote the FY07 Labor-HHS-Education funding bill (no bill number yet). The committee made no changes to the funding levels for the National Institutes of Health (NIH) or student aid programs that had been approved at the subcommittee level. As discussed above, House floor action on the bill could be delayed until after the November election.

The panel did agree to an amendment offered by Rep. John Culberson (R-TX) that prohibits higher education institutions from using Department of Education funds to provide benefits to undocumented students that are unavailable to other students. The amendment, which was approved by a vote of 40-21, reinforces current law. Similar language was included last year in the House-passed version of the FY06 Labor-HHS-Education funding bill, but it was not included in the enacted bill.


BACKGROUND ON THE UNDOCUMENTED STUDENT AMENDMENT

Financial aid is generally not available for undocumented students and illegal aliens. Most student aid, including all federal student aid, requires the recipient to be a U.S. citizen, permanent resident (green card holder), or eligible non-citizen. The federal student financial aid form includes a question asking whether a student is a U.S. citizen and states, “If you are neither a citizen nor an eligible non-citizen, you are not eligible for federal student aid. However, you should still complete the application, because you may be eligible for state or college aid.”

A few states allow undocumented students to qualify for in-state tuition rates. The following 10 states have enacted laws permitting undocumented immigrants who attended and graduated from high schools in the state to pay the in-state rate at public colleges and universities: California, Illinois, Kansas, Nebraska, New Mexico, New York, Oklahoma, Texas, Utah, and Washington. Because they provide the in-state discount to undocumented immigrants, these states are required to pay a penalty under Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

A provision of the Senate-passed Comprehensive Immigration Reform Act of 2006 (S. 2611) would repeal Section 505.

The text of Rep. Cluberson’s amendment is as follows:

AMENDMENT TO LABOR, HHS, AND EDUCATION APPROPRIATIONS BILL, 2007 OFFERED BY MR. CULBERSON OF TEXAS

At the end of title III of the bill, insert the following:
SEC. 1. None of the funds appropriated or otherwise made available in this Act to the 
Department of Education may be expended in contravention of section 505 of the Illegal 
Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623), which states 
that an alien who is not lawfully present in the United States shall not be eligible on the basis of 
residence within a State (or a political subdivision) for any postsecondary education benefit 
unless a citizen or national of the United States is eligible for such a benefit (in no less an 
amount, duration, and scope) without regard to whether the citizen or national is such a resident.

NSF AND NASA SCIENCE PROGRAMS FARE WELL IN HOUSE FUNDING BILL

Science programs in the National Science Foundation (NSF) and NASA fared well in the FY07 
appropriations bill marked up June 14 by the House Science, State, Justice and Commerce 
Appropriations Subcommittee. The subcommittee bill would fund NSF at the President’s 
requested level of $6 billion, including fully funding the agency’s portion of the President’s 
American Competitiveness Initiative (ACI). Although NASA’s budget would see an overall cut 
of $83 million from the President’s request, the bill would add $100 million for aeronautics and 
$75 million for science above the request. Subcommittee Chairman Frank Wolf (R-VA) said the 
bill contains no earmarks for NASA.

A press release from the House Appropriations Committee says that the subcommittee bill fully 
funds the NSF portion of the President’s ACI, including $4.6 billion for research, which is 
$334.5 million above FY06 funding. Science education would receive $832.4 million, which is 
$16.2 million above the request and $35.7 million above FY06 funding.

During the mark-up, Chairman Wolf reiterated his support for the ACI and said, “This bill makes 
a strong commitment to improving our competitiveness. There is no more important investment 
we can make to ensure the future security and economic well-being of future generations of 
Americans.”

An AAU statement thanking Chairman Wolf and the subcommittee for supporting ACI is 
available on the AAU Web site at: 

The bill would fund NASA overall at $16.709 billion, about $83 million below the President’s 
request. Within that total, the bill would fund the President’s Vision for Space Exploration at 
$3.8 billion. The measure also would provide $824 million for aeronautics research, which is 
$100 million above the budget request but still $60 million below FY06 funding. Science would 
be funded at $5.375 billion, which is $75 million above the request and about $151 million above 
the FY06 level.

Information from other sources indicates that the $100 million addition for NASA science would 
add $50 million for Research and Analysis, $10 million for the Terrestrial Planet Finder, and $15 
minute for the Europa project.

Additional details about the bill will be provided when they are available. The full committee is 
expected to mark up the bill next Tuesday, June 20.

The committee press release about the bill is available at: 
634.
The House Appropriations Committee on June 13 approved the FY07 Defense appropriations bill with $13.31 billion for science and technology (S&T) programs at the Department of Defense (DOD). The funding level is an increase of $2.2 billion, or 20 percent, over the Administration’s request but just $65.3 million, or one-half percent, over the FY06 level of $13.24 billion. 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 basic research, the bill would provide $1.57 billion, a 10.5-percent increase over the Administration's request and 6.8 percent more than FY06. Applied research would receive $5.28 billion, a 17.8-percent increase above the request and 2.1 percent more than FY06. Advanced technology development would receive $6.46 billion, a 24.6-percent increase over the request, but 2.2 percent below FY06.

The breakout for 6.1 basic research and 6.2 basic research across the services is as follows:

- Army 6.1: $352.0 million, a $20.3 million or 5.5-percent cut from FY06;
- Army 6.2: $1.21 billion, a $41.6 million or 3.3-percent cut from FY06;
- Navy 6.1: $498.9 million, a $23.8 million or 5-percent increase over FY06;
- Navy 6.2: $727.4 million, a $71.5 million or 8.9-percent cut from FY06;
- Air Force 6.1: $384.8 million, a $22.2 million or 6.1-percent increase over FY06;
- Air Force 6.2: $1.12 billion, a $53.5 million or 5-percent increase over FY06;
- Defense-wide 6.1: $335.0 million, a $74.8 million or 28.7-percent increase over FY06;
- Defense-wide 6.2: $2.22 billion, a $167.1 million or 8.2-percent increase over FY06;

The bill also would fund the National Defense Education Program/SMART program at the Administration's requested level of $19.53 million, up from $10 million in FY06.

A further breakout of the appropriations levels 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](http://www.aau.edu/budget/07DODTable.pdf).

Overall, the committee approved $75.34 billion for Research, Development, Test and Evaluation (RDT&E). This is an increase of $2.18 billion above the Administration’s FY07 request and $4.18 billion above FY06.


OTHER CONGRESSIONAL DEVELOPMENTS

REP. KELLER INTRODUCES THREE-MONTH EXTENSION OF HEA
Rep. Ric Keller (R-FL), chairman of the House 21st Century Competitiveness Subcommittee, has introduced legislation (H.R. 5603) to extend the Higher Education Act (HEA) from its current expiration date of June 30 to September 30, 2006. The House is expected to approve the measure without debate. The Senate likely will act on the measure thereafter.

The House approved a five-year reauthorization of the HEA (H.R. 609) on March 30, but the full Senate has not yet approved its reauthorization measure (S. 1614) or indicated when it will do so.

**IMMIGRATION CONFERENCE FACES DELAY**

News reports indicate that a House-Senate conference on immigration reform legislation likely will be delayed, possibly until after the November election. CQToday reports that House Speaker Dennis Hastert (R-IL) has suggested the House might hold hearings on the Senate-passed immigration bill (S. 2611) before appointing conferees. The two chambers’ bills are vastly different. The Senate bill is a comprehensive package that includes enforcement and border security measures, a guest worker program, and a means for illegal immigrants to earn citizenship, as well as visa provisions supported by the higher education community, while the House-passed bill (H.R. 4437) focuses only on enforcement and border security. The publication suggests that House Republican leaders may be looking for a means to postpone a conference and floor vote on the contentious legislation until after the November election.

In addition, House Ways and Means Committee Chairman Bill Thomas (R-CA) has threatened to object to the Senate bill on the basis that it includes tax measures—provisions requiring illegal immigrants to pay back taxes—which the Constitution requires be initiated in the House. CongressDaily reports that Senate Majority Leader Bill Frist (R-TN) has suggested addressing this issue by taking a House-passed tax bill, removing its contents, and inserting language from the Senate immigration bill. But Senate Democrats have asked for assurances that unrelated tax provisions would not be tacked onto the measure.

**EXECUTIVE BRANCH**

**EPA PROPOSES PERFORMANCE-BASED STANDARDS FOR ACADEMIC LABORATORIES**

The Environmental Protection Agency (EPA) has issued proposed rules that would give colleges and universities flexibility in determining how best to dispose of hazardous wastes from their laboratories. The National Association of College and University Business Officers (NACUBO) reports that the new rules would be optional: institutions could choose whether to follow the new performance-based regulations or remain subject to existing rules. The association indicates that the proposed rules are unusual for EPA in that the agency offers alternatives to its proposals—which are usually more prescriptive—and requests comments on the options.

NACUBO encourages colleges and universities to review the proposed rules and submit comments to EPA. The deadline for comments is Monday, August 21.

The NACUBO explanation of the EPA proposed rules is available on the association’s Web site at: [http://www.nacubo.org/x8097.xml](http://www.nacubo.org/x8097.xml).
The EPA proposed rule is available in the May 23 edition of the *Federal Register* (volume 71, number 99, pages 29711-29752). It can be accessed online through the NACUBO Web site at: [http://www.nacubo.org/x8079.xml](http://www.nacubo.org/x8079.xml).

**PAUL SHAWCROSS NAMED NEW OMB SCIENCE, SPACE BRANCH CHIEF**  

The White House Office of Management and Budget (OMB) has named Paul Shawcross as the new Science and Space Branch Chief, responsible for NASA, NSF, and related programs. He has been Acting Chief since Dave Radzanowski transferred to NASA. Prior to serving as Acting Chief, Mr. Shawcross was a budget examiner for NASA, primarily overseeing exploration initiatives and the human space program. He also served as budget examiner for NASA Aeronautics and in the NASA Inspector General’s office.

**OTHER**

**ASSOCIATIONS PLAN JUNE 23 CELEBRATION OF NIH OFFICE OF BEHAVIORAL AND SOCIAL SCIENCES RESEARCH**

Several associations are sponsoring a June 23 Capitol Hill celebration of the 10th anniversary of the National Institutes of Health’s Office of Behavioral and Social Sciences. The celebration, which will include a reception and exhibition of NIH-supported behavioral and social sciences research, will be held next Friday, June 23, in 345 Cannon House Office Building from 2:30-4:30 p.m.

Those interested in attending are asked to respond to [COSSA@cossa.org](mailto:COSSA@cossa.org) or 202-842-3525.

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