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CONGRESSIONAL SCHEDULE  NEW

The Senate is in session today to continue consideration of the FY08 Labor-HHS-Education appropriations bill (H.R. 3043), and will likely resume consideration of the bill on Monday (see item below).

The House is out of session today. It will return to session on Monday and is scheduled next week to consider bills dealing with land use (H.R. 1483, H.R. 1011), small business contracting (H.R. 3867), employment discrimination (H.R. 3685), and Native Hawaiian government (H.R. 505).

BUDGET & APPROPRIATIONS

SENATE CONTINUES CONSIDERATION OF FY08 LABOR-HHS-EDUCATION FUNDING BILL  UPDATED

The Senate today is continuing debate on the FY08 Labor-HHS-Education appropriations bill (H.R. 3043), with no roll call votes. When the Senate reconvenes on Monday, October 22, it will continue work on the bill, with votes after 5:30 p.m. Senate Democratic leaders hope to finish the bill by Tuesday morning. CQToday reports that Majority Leader Harry Reid (D-NV) would like to complete action promptly so that the bill’s manager, Tom Harkin (D-IA), can begin marking up the farm bill on Wednesday in the Agriculture, Nutrition, and Forestry Committee, which he chairs.
The bill would provide $149.9 billion in discretionary spending, about $1.9 billion less than the version approved by the House on July 19. According to CQToday, Senator Tom Harkin (D-IA) said Wednesday that he believes final negotiations with the House will require just a few days and that the final bill will likely split the difference in funding.

Senator Harkin announced on the Senate floor on Wednesday that he and ranking member Arlen Specter (R-PA) were removing a stem cell provision from the bill. He noted that the White House Statement of Administration Policy singled out two reasons for opposing the Senate measure: its overall funding level and the stem-cell provision. “We wanted to show that we are willing to compromise,” he said. The provision would have allowed federally funded researchers to use embryonic stem cell lines created before June 15, 2007, essentially overturning the President’s order issued August 9, 2001, that limited federally funded research to stem cell lines created before that date.

The Senate bill would provide $29.9 billion for the National Institutes of Health (NIH), an increase of about $1 billion over FY07 funding, $1.38 billion more than the Administration’s FY08 request, and $250 million more than the House-passed bill.

For student aid programs, the Senate bill does not include discretionary funding to increase the Pell Grant maximum award. (The just-enacted College Cost Reduction Act of 2007, P.L. 110-84, provides mandatory funding to increase the Pell Grant maximum over five years.) The Senate bill would fund all other student aid programs at their FY07 levels, except the TRIO and GEAR UP programs, which would receive increases of $30 million and $10 million, respectively.

Additional information on the two bills, including a chart of funding differences, is available as part of the AAU Status of AAU FY08 Funding Priorities document at: http://www.aau.edu/budget/08_AAU_Priorities_Pkg.pdf.

LETTER URGING SENATE PASSAGE OF FY08 LABOR-HHS-EDUCATION FUNDING BILL GARNERS 850 SIGNATORIES

Some 850 education, labor, and health organizations and institutions, including AAU, yesterday sent a letter to all members of the Senate urging them to pass the Labor-HHS-Education appropriations bill. The letter said in part:

“While our organizations represent a wide array of domestic priorities, we are united in our effort to increase discretionary funding substantially for health, education, labor enforcement, job training and social services programs as the appropriations process moves forward. This increased investment is essential to sustain and advance the well-being and prosperity of our nation.”

The full letter and list of participating organizations are available at: http://www.fundcdc.org/documents/LHHSEDJOINTSIGNON1stLETTERFINAL101807.pdf.

SENATE PASSES FY08 COMMERCE-JUSTICE-SCIENCE FUNDING BILL BY VETO-PROOF MARGIN
The Senate on October 16 approved the FY08 Commerce-Justice-State appropriations bill (H.R. 3093) by a vote of 75-19, well above the two-thirds margin that would be needed to override a Presidential veto. The measure is among the nine FY08 appropriations bills that the President has threatened to veto because Congress would provide $23 billion more in discretionary spending overall than he has requested.

As reported previously (CFR Weekly Wrap-up, 10-12-07), during the floor debate, Senators approved by voice vote the “NASA Restoration” amendment adding $1 billion in emergency spending for the space agency. Amendment sponsors Barbara Mikulski (D-MD), Richard Shelby (R-AL), Kay Bailey Hutchison (R-TX), and Bill Nelson (D-FL) said the funding would reimburse NASA for costs associated with the return to flight of the space shuttle following the Columbia tragedy, which forced cuts in the science, aeronautics, and exploration accounts.

Senators Mikulski and Hutchison successfully offered the same amendment during last year’s full committee mark-up of the FY07 C-J-S appropriations bill, but the provision was not included in the final version.

Besides the emergency funding contained in the amendment, the bill would provide NASA with $17.46 billion in FY08, $150 million above the Administration’s budget request but $140 million below the House level of $17.6 billion.

For the National Science Foundation (NSF), the bill includes $6.55 billion, an increase of $124 million over the Administration’s FY08 budget request and $52 million above the House-passed level.

**DOD FY08 APPROPRIATIONS APPEAL STRONGLY OPPOSES PROPOSED INDIRECT COST CAP**

The Department of Defense (DOD) has formally expressed its opposition to the proposed cap on indirect cost rates for basic research included in the House version of the FY08 Defense appropriations bill.

In a broader appropriations appeal document, DOD states:

“The Department urges the conferees to delete this provision. An indirect cost cap is artificial, arbitrary, and unjustified. It likely will reduce DoD access to world-class research needed to maintain the future technological superiority of the U.S. military.

The cap is unjustified for several reasons. Both direct and indirect costs are real costs of performing research that are distinguished only by the ability of an organization's accounting system to attribute each cost to a specific research project. An indirect cost is one that cannot be attributed to a specific project because it supports the research enterprise as a whole or is a general cost of doing business. Absent evidence of systemic overcharging of the Government by research institutions (e.g., from their federally required financial audits), there is no rational basis to question the legitimacy of the indirect costs charged to DoD basic research.”

A full DOD statement on the provision is available on the AAU Web site at: http://www.aau.edu/research/DOD_Appeal_IDC_10-07.pdf.
EXECUTIVE BRANCH

DHS TO ISSUE LIST OF DANGEROUS CHEMICALS FOR TRACKING

The Department of Homeland Security (DHS) will soon publish in the Federal Register the final list of chemicals that institutions must inventory and report on because of their potential use in terrorist activities. Indications are that the list, termed Appendix A, may include fewer chemicals than initially proposed and that all chemicals included on the list will have a threshold amount for tracking and reporting. It appears that no chemical on the list will have the threshold of “any amount,” which was originally included in the preliminary version of Appendix A published in the April 9 Federal Register.

While this is a positive step, identifying and tracking chemicals on campus may still prove difficult and time-consuming for many institutions. AAU staff understands from DHS officials that the revised appendix will allow universities that need more than 60 days to conduct their inventory of chemicals on campus—called a “top-screen”—to request and receive an extension for submitting the information.

Several associations—including AAU, the American Council on Education, the National Association of State Universities and Land-Grant Colleges, the Council on Governmental Relations, the National Association of College and University Business Officers, and the Campus Safety, Health and Environmental Management Association—are working to provide additional guidance to campuses. The guidance will include information on how to submit extension requests; how to complete the top screens required by the new regulations; and how to develop an appropriate chemical security plan in those instances where, based upon the top screens, such plans will be required.

This guidance will be provided shortly after the final version of Appendix A is released.

BACKGROUND:

Earlier this year, DHS issued interim final regulations imposing a multi-step process intended to give agency officials information they need to determine which chemical facilities present what level of risk from terrorist concerns. Under the interim rule, each affected institution would have to conduct a top-screen analysis, that is, inspect all of its operations to see which of some 342 chemicals were present and in what amounts. If even one of 104 specific chemicals were present in any amount, the institution would have to conduct a more extensive analysis.

Although many observers believed the rule was directed at major companies with large amounts of chemicals, DHS rejected a formal request from the higher education community to exempt colleges and universities from the requirements (See the higher education community’s formal comments on the interim rule at: [http://www.aau.edu/homeland/ACE_DHS_ChemAgts_5-9-07.pdf](http://www.aau.edu/homeland/ACE_DHS_ChemAgts_5-9-07.pdf).) However, DHS staff agreed to work with university representatives to try to reduce the impact on higher education institutions by modifying the list of covered chemicals, providing more time to comply, and addressing the decentralized nature of campus laboratories and facilities.

AAU staff remains hopeful that the outcome of these discussions will be to help mitigate the burden for universities in complying with these new regulations, while also ensuring a secure and safe campus environment.
UNIVERSITY REPRESENTATIVES INVITED TO CELEBRATE INTERNATIONAL EDUCATION WEEK

The Department of Education's International Affairs Office invites members of the higher education community to help celebrate International Education Week by attending a kickoff event on Tuesday, November 13, at the Library of Congress.

The event is a panel discussion about the future of foreign language instruction and international education with leaders from the National Governors’ Association, the Business Roundtable, the NEA/Partnership for 21st Century Skills, the Peace Corps, the Center for Economic Development, and the Department of Education. The session will run 9:00-11:30 a.m. in the Members Room of the Library of Congress.

Seating is limited. Those interested in attending are asked to contact Mone't Peterson-Cox at mone't.peterson-cox@ED.gov or 202-260-1384.

OTHER

NAS REPORT CALLS FOR OPEN EXCHANGE OF UNCLASSIFIED RESEARCH

A new report from a panel of the National Academies’ National Research Council argues that in order to strengthen the role of science and technology in maintaining national and economic security, the United States should ensure the open exchange of unclassified research despite the small risk that it could be misused for harm by terrorists or rogue nations.

“Science and Security in a Post 9/11 World,” developed by a committee of former national security officials and senior university researchers and administrators, also suggests creating a new science and security commission to help balance scientific openness with security concerns. The commission would be co-chaired by the President’s national security advisor and the director of the White House Office of Science and Technology Policy and include representatives of the academic research community and national security officials.

The report also recommends that AAU and the Council on Governmental Relations (COGR) annually update their 2004 report on restrictions on research grants and contracts and expand it to include “sensitive but unclassified” designations. (The AAU-COGR report can be accessed at: http://www.aau.edu/research/Rpt4.8.04.pdf) Additionally, the report calls for regular government-wide reviews of export restrictions, focused on removing outdated items, and urges that U.S. universities and research institutions continue to welcome foreign-born science and engineering students.


AAAS SCIENCE FELLOWS PROGRAM ACCEPTING APPLICANTS FOR 2008-09

The American Association for the Advancement of Science (AAAS) is accepting applications for its science and technology fellows program in 2008-09. The purpose of the program is to enable scientists and engineers from around the country to use their knowledge and analytical skills to
help address national and international policy issues. Fellows, who must be U.S. citizens and have completed a doctoral-level degree, spend year-long fellowships in congressional offices and more than a dozen federal agencies. The six general areas of emphasis are: congressional; diplomacy; energy, environment, agriculture, and natural resources; global stewardship; health, education, and human services; and national defense and global security.

Information about the fellowships program is available at: http://fellowships.aaas.org.

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