



## **SUNY Federal Relations Update Tuesday, August 19, 2008**

Congress is currently on its annual "Summer District Work Period" that will last through both of the major party conventions. Both the Senate and the House will return on September 8. Even with the September return, it is unlikely that we will see more than three appropriations bills sent to the President this fall. Only the FY09 Defense, Homeland Security and Military Construction-Veterans Affairs bills are likely to pass separately, and the Defense bill is likely to serve as the vehicle for the "continuing resolution" which will keep most of the federal government operating at FY08 levels until a new Administration is in place.

Upon their return to Washington, Democratic leaders are expected to move a second FY08 "supplemental" funding bill next month that focuses on their election-year priorities. Senate Appropriations Committee Chairman Robert Byrd (D-WV) recently unveiled a plan that would add \$1.28 billion for several science agencies as a part of this package. Specifically, he called for: \$500 million, the National Institutes of Health (NIH); \$250 million, the National Aeronautics and Space Administration (NASA); \$150 million, Department of Energy (DOE) Office of Science; \$26 million, Centers of Disease Control (CDC).

CQ published an interesting story yesterday in which they report, "The Senate showed restraint in its earmarks for fiscal 2009 spending bills, while the House has increased its total slightly from last year, according to an analysis released Monday by a group that advocates curbing the practice." Based on information currently available, Taxpayers for Common Sense calculated a decrease of more than 15 percent in the Senate bills and an increase of almost 7 percent in the House, compared to last year's bills.

President Bush has threatened to veto bills that did not reduce earmarks in half, though because of the current situation with a continuing resolution likely, he will not likely be put to the test on this threat beyond the 2-3 spending bills mentioned above.

Please see below for more on:

- **SUNY Federal Relations Summit**
- **Americans with Disabilities Act**
- **DOD Indirect Costs**
- **Higher Education and Tax Concerns**
- **Congressional and IRS Interest in University Endowments**
- **Financial Conflicts of Interest**

- **Higher Education Act Negotiated Rulemaking**
  - **Peer-to-Peer Advisory**
  - **GI Bill Implementation**
  - **Universities Encouraged to Apply for President's Higher Education Community Service Honor Roll**
  - **New York State Will Award 150 Million CPU Hours to Industry, Academia and Government**
  - **Political News Clippings of Interest**
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- Our office recently announced the annual ***SUNY Federal Relations Summit*** to campus-based federal relations officers. We will meet September 15-16 in Albany, NY to discuss FY 2009 Appropriations and the outlook for the 111th Congress and FY 2010, strategies for connecting with federal research agencies, federal lobbying disclosure requirements, the recently passed Higher Education Act and more.
  - **ADA Restoration Act (H.R. 3195, S. 3406).** This legislation to expand the definition of "disability" under the Americans with Disabilities Act (ADA) has a good chance of being approved by Congress this fall. Among other issues, the higher education community has been concerned that the measure would expand the definition of disability to include "thinking" and "concentrating," which could be problematic for colleges and universities given the fundamental nature of these activities to higher education endeavors. The Senate bill, unlike its House counterpart, spells out that colleges and universities are not required to compromise academic standards to accommodate disabled students.
  - **Defense Authorization Bill with Indirect Cost Language (H.R. 5658, S. 3001).** Congress is expected to approve this bill this fall, although the Administration has threatened to veto it. Both the House-approved measure and the bill scheduled for consideration by the Senate on September 8 would [authorize](#) significant funding increases for Defense basic research. The House bill also directs the Government Accountability Office (GAO) to study the indirect costs of Defense Department grants and contracts as a means of showing Congress the detailed processes that are used by the federal government to calculate indirect cost rates and to audit reimbursements.
  - **Tax-extenders (H.R. 6049, S. 3335).** Although partisan differences have held up this bill in the Senate, it is still possible that Congress will approve a version of this popular package this fall. The House approved its bill on May 21, but negotiations continue in the Senate. Higher education associations are hoping to see that a final package includes the above-the-line deduction for qualified tuition, the Individual Retirement Account Charitable Rollover, and the research & development tax credit.
  - Congressional and IRS interest in the use of ***university endowments, tax-exempt bonds, charitable contributions, and even universities' tax-exempt status***, are likely to grow. This heightened scrutiny is prompted by rising concerns about

college costs and calls for “greater accountability” for higher education in the political and media spheres, as well as a tightening federal budget environment in which policymakers are in search of revenues that cannot be classified as "tax increases."

- It is expected that Senator Charles Grassley (R-IA) will continue to publicize alleged instances of **financial conflicts of interest** (COI) among named medical school faculty around the country. At the same time, and as requested by Congress, HHS will soon issue an Advanced Notice of Proposed Rulemaking (ANPRM) to gather public comment on revising COI regulations that govern NIH-funded investigators.
- **HEA Negotiated Rulemaking.** Now that Congress has approved the reauthorization of the Higher Education Act (H.R. 4137), the Department of Education will soon begin to negotiate implementation of the myriad provisions in the 1,150 page bill. President Bush signed the measure into law on August 14.
- The Higher Education Act reauthorization recently passed by Congress contains several provisions and report language on the issue of illegal "**peer to peer**" file sharing over campus networks. To assist campuses in understanding the requirements of the new law both before and after the rulemaking process is completed, the American Council on Education (ACE), NASULGC, the Association of American Universities (AAU) and EDUCAUSE prepared an explanatory memorandum. This memorandum was reviewed and approved by ACE's legal counsel to ensure that it complied with the spirit and letter of the law. The memo is being distributed to the EDUCAUSE membership and can also be found here: [http://www.aau.edu/intellect/Memo\\_JointAssn\\_HEOA-Rqmts\\_8-11-08.pdf](http://www.aau.edu/intellect/Memo_JointAssn_HEOA-Rqmts_8-11-08.pdf)
- **GI Bill Implementation.** Since Congress approved legislation to expand educational benefits for veterans (P.L. 110-252) in June, American Council on Education has been spearheading an effort to develop a more comprehensive approach to meeting the educational needs of veterans.
- **Universities Encouraged to Apply for President's Higher Education Community Service Honor Roll.** Colleges and universities are encouraged to apply for the President's Higher Education Community Service Honor Roll. This is the third year of the program. The Honor Roll [http://www.learnandserve.gov/about/programs/higher\\_ed\\_honorroll.asp](http://www.learnandserve.gov/about/programs/higher_ed_honorroll.asp) program is designed to increase public awareness of the role of higher education institutions and their students in serving their local communities and the nation through public service, and to recognize outstanding community service programs and practices. The program is sponsored by the Corporation for National and Community Service, USA Freedom Corps, the President's Council on Service and Civic Participation, and the Departments of Education and Housing & Urban Development, in cooperation with Campus Compact. The deadline for institutions to apply for the Honor Roll is September 23, 2008. Honor Roll members and recipients for 2008 will be announced at the February 2009 national meeting of the American Council on Education.

- **New York State Will Award 150 Million CPU Hours to Industry, Academia and Government.** The New York State Office of the Chief Information Officer and Office for Technology (CIO/OFT) and the New York State Foundation for Science, Technology and Innovation (NYSTAR) today announced that public and private researchers and businesses in New York State have nearly 150 million CPU hours on one of the world's most powerful supercomputers. Over the next three years, businesses, universities and state agencies can apply for time on the supercomputer located at Rensselaer Polytechnic Institute's Computational Center for Nanotechnology Innovations (CCNI). <http://www.nystar.state.ny.us/pr/08/press08-08.pdf>

### **News Clippings of Interest:**

#### **Washington Post**

#### **Across the Northeast, GOP's Hold Lessens**

**By Ben Pershing**

SYRACUSE, N.Y. -- When Dan Maffei tells how he decided to run for office, the former congressional press secretary recounts a casual conversation he had in 2005 with a reporter, who pointed out that New York's 25th District was the only seat in the country where Sen. John F. Kerry (D-Mass.) won in the Presidential race but Democrats did not field a House candidate.

To view the entire article, go to <http://www.washingtonpost.com/wp-dyn/content/article/2008/08/17/AR2008081702194.html?referrer=emailarticle>

#### **The New York Times**

#### **G.O.P. in House at Risk in Northeast**

**By Raymond Hernandez**

To view the entire article, go to

<http://www.nytimes.com/2008/08/14/us/politics/14elect.html?ref=politics>