



SUNY Federal Relations Update Monday, March 17, 2008

Congress Makes Progress on Budget Resolution, Earmarks Continue to Be Contentious

The US House of Representatives is currently out of session and will return on Monday, March 31. The Senate is also on a two-week spring recess (although technically the chamber will remain in pro forma session throughout the two-week break) and also reconvenes on Monday, March 31. This is a great time to reconnect with your local members of congress either on your campus or in your communities. Occasionally, some of the congressional staff you are used to working with in the Washington, DC office will travel to district during this time (or other recess periods) and you may have the opportunity to connect with them locally as well.

Before leaving for the recess, Congress approved an extension of the Higher Education Act (HEA) through April 30. The extension will provide additional time for the House and Senate to reconcile the differences in their respective HEA reauthorization bills (H.R. 4137, S. 1642). Conferees have not been named. However, preliminary discussions have begun between bipartisan staff of the House Education and Labor and Senate Health, Education, Labor, and Pensions committees. Staff discussions are likely to continue during the recess.

Also before departing for the recess, the House and Senate approved their respective versions of the FY09 *budget resolution*, which will be reconciled into a final package later this spring. The final budget resolution, which is not signed into law by the President, provides a general blueprint for congressional spending across broad budget categories (budget functions) as well as guidance for changes in tax and mandatory programs. As described on Friday by *The New York Times*, it also serves as “a policy manifesto for the majority party.” In other words, while the budget resolution does not determine in detail how the federal budget will be spent in FY09 (which is the job of appropriators), it provides an outline by which appropriators know how much they have to work with and additional policy guidelines.

Contentious debate continues over the matter of earmarks. The Senate last week rejected a proposed one-year moratorium on earmarks last Thursday, with a vote of 71-29. However, the amendment was endorsed by the three presidential candidates, including New York Senator Hillary Clinton. *Inside Higher Ed* reported today that Senator Clinton, “will limit her requests to “the most critical needs for New York and America such as providing healthcare for those suffering from the effects of 9/11,

bolstering our national and homeland security, and providing our brave men and women in uniform with the resources they need to achieve their missions.” You can find the story here: <http://www.insidehighered.com/news/2008/03/17/earmarks>. Despite the Senate last week voting against an earmark moratorium, Republicans will continue to press the issue and Speaker Pelosi has indicated action may be taken in the future.

See below for more on:

- **NIH SEEKS PUBLIC COMMENT ON ITS OPEN-ACCESS POLICY**
- **BILL GATES TESTIFIES BEFORE HOUSE SCIENCE AND TECHNOLOGY COMMITTEE**
- **HOUSE AND SENATE FY09 BUDGET RESOLUTIONS WOULD INCREASE RESEARCH AND EDUCATION FUNDING**
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NIH SEEKS PUBLIC COMMENT ON ITS OPEN-ACCESS POLICY

The National Institutes of Health (NIH) announced on March 7 that it is seeking public comment on implementation of its open-access policy. The agency will hold a public meeting about the policy at the NIH campus on March 20, 2008, and will publish sometime this month a Federal Register notice requesting comments on implementation of the policy.

The open-access policy was enacted into law by the FY08 omnibus appropriations act (P.L. 110-161). It requires articles that are based on NIH-funded research and accepted for publication on or after April 7, 2008, to be made available freely to the public on the agency's electronic archive, PubMed Central, within 12 months of publication.

Information about the NIH request for comment and the public meeting is available on the NIH Web site at: <http://grants.nih.gov/grants/guide/notice-files/NOT-OD-08-057.html>.

BILL GATES TESTIFIES BEFORE HOUSE SCIENCE AND TECHNOLOGY COMMITTEE

Bill Gates, Chairman of Microsoft, testified before the House Science and Technology Committee Wednesday about both the importance of science, technology, engineering, and mathematics (STEM) education and need for immigration reform. He urged Congress to fully fund the COMPETES Act in order to maintain America's

global competitiveness. In his written testimony he highlighted the increases NSF's Graduate Research Fellowships (GRF) and Integrative Graduate Education and Research Traineeship (IGERT) programs would see if the COMPETES Act is fully funded. On immigration reform, he asserted that visa restrictions affect the numbers of top foreign students and scholars coming to the U.S. and whether companies continue to base operations here; he used Microsoft's opening an office in Canada as an example of a trend that he argued will continue if immigration policies are not reformed.

More information is available at:

science.house.gov/press/PRArticle.aspx?NewsID=2125

HOUSE AND SENATE FY09 BUDGET RESOLUTIONS WOULD INCREASE RESEARCH AND EDUCATION FUNDING

Both versions of the budget resolution provide for significantly more discretionary spending than the President has requested—about \$22 billion more in the House and \$18 billion more in the Senate. Many anticipate that President Bush could force a replay of the FY08 process, when the President succeeded in limiting total spending by threatening to veto appropriations bills that exceeded his overall request. CQ reported today, “For although many lawmakers and budget observers say Congress will probably end up with a CR later this year to allow Democrats to instead deal with Bush’s successor, Democrats still want to finish as much work as possible — and will also want to send a domestic spending bill or two to the president for likely vetoes to help sharpen the contrast between the two parties before the election. “

The budget resolution assumes the President’s funding levels for science agencies that are part of the bipartisan, bicameral competitiveness and innovation agendas: the National Science Foundation (NSF), the Department of Energy (DOE) Office of Science, and the National Institute of Standards and Technology (NIST). It also assumes additional funding for the budget category that funds the National Institutes of Health (NIH). Additionally, the measure rejects the President’s proposal to eliminate certain campus-based student aid and other education programs. The underlying budget resolution includes an education “reserve” fund to provide support for such items as reauthorization of the Higher Education Act and the expansion and extension of education tax credits and deductions. An amendment offered by Senator Edward Kennedy (D-MA) and approved by voice vote would allow that fund also to be used to raise the borrowing limits on federal student loans.

The FY09 budget resolutions approved today by the House and Senate budget committees would allow for significant funding increases for research and education in FY09. The [House Budget Committee](#) approved its version of the FY09 budget resolution early this morning on a party-line vote of 22-16; the [Senate Budget Committee](#) voted out its version this afternoon on a party-line vote of 12-10. The annual budget resolution, which is not signed into law by the President, provides a blueprint for congressional spending across broad budget categories (budget

functions) as well as guidance for changes in taxes and mandatory programs. Congress determines actual funding levels for discretionary programs through the appropriations process.

Function 250 (General Science and Space). The House [budget resolution](#) would provide \$29.8 billion in discretionary spending for this function, which includes the National Science Foundation (NSF) and NASA. The function total is \$2.5 billion above FY08 funding and \$379 million above the President's FY09 request. The House measure includes a "sense of the House" statement that encourages appropriators to fund programs authorized under the America COMPETES Act, including NSF and the Department of Energy Office of Science.

The Senate Budget Committee has not yet provided a funding chart that shows the panel's assumption for Function 250, but Chairman Kent Conrad's (D-ND) [overview](#) says that the Senate budget resolution would provide NASA with \$18.7 billion, which is about \$1.2 billion above FY08 funding and \$1 billion more than the President's FY09 request.

Function 270 (Energy). The House measure would provide about \$6 billion for energy programs, including the Department of Energy's Office of Science. This is about \$1.1 billion more than FY08 funding and \$1.2 billion more than the President's FY09 request. The Senate measure would provide \$8.45 billion in discretionary spending for Function 270. Chairman Conrad's overview says this would provide significant increases for such efforts as energy conservation and renewable programs—including "energy grants for universities and institutions"—fossil energy R&D, electricity delivery and reliability, and weatherization assistance. The overview says this would be "the highest discretionary spending level for the energy function since 1981."

Function 500 (Education, Training, Employment, and Social Services). The House budget resolution would provide \$85.3 billion in discretionary spending, which is \$5.7 billion higher than the President's FY09 request and about \$5.5 billion more than FY08 funding.

The Senate budget resolution would provide \$88.4 billion, or about \$3 billion above the House number. The Senate version includes an education reserve fund to provide or extend various tax credits and deductions, such as the expired tuition tax deduction. The Chairman's overview does not specify how such revenue measures would be paid for.

Function 550 (Health). The House version would provide \$57.6 billion for health programs, including the National Institutes of Health (NIH). This is \$4.4 billion more than FY08 funding and \$3 billion over the President's FY09 request.

The Senate Budget Committee has not yet provided a funding chart that shows the panel's assumption for this function. But Chairman Conrad's overview says the

measure assumes funding for NIH of \$30 billion, which is \$950 million more than both FY08 funding and the President's FY09 request.

US DEPARTMENT OF EDUCATION OFFICE OF VOCATIONAL AND ADULT EDUCATION (OVAE) UPDATE

To compliment the work of the Secretary's Commission on Higher Education, the Office of Vocational and Adult Education (OVAE) held the 2007 Virtual Community College Summit to discuss four critical issues facing community colleges: 1) Two-to-Four Year Transitions, 2) Adult and Non-Traditional Students, 3) Accountability, and 4) Leadership. Nationally known leaders with an expertise in community colleges were brought together either in DC or at one of four satellite sites to have a thought-provoking dialogue to highlight the importance of the four topics as well as to suggest future action steps. The "Proceedings of the Community College Virtual Summit" report, <http://www.ed.gov/about/offices/list/ovae/pi/cclo/ccvirtualsummitssummary.pdf> that has recently been released is a summary of the major themes and findings of the summit.

The "Adult Basic Education to Community Colleges Transitions Symposium Proceedings Report," <http://www.ed.gov/about/offices/list/ovae/pi/AdultEd/cctransreport.pdf> recaps an OVAE-sponsored symposium held in Washington, DC that recognized the importance of adult learners and the needs they present as they pursue college and careers. Adult education experts shared their ideas about how to help adult learners transition successfully to postsecondary education and employment.