

CGA Task Forces and Teams Report for CGA Monthly Call (September 2021)

APPROPRIATIONS TASK FORCE

Appropriations Task Force Chair Lauren Brookmeyer (Stony Brook University)

Commerce-Justice-Science: Rebekah Gunn (Virginia Tech)

Commerce-Justice-Science	FY21	FY22 PBR	FY22 PBR – FY21 Enacted % Change	FY22 APLU Request	FY22 House Action	House Action FY21-22 % Change
National Science Foundation	8,487	10,200	20.18%	10,200	9,360	10.29%
NASA, Science Mission Directorate	7,301	7,931	8.63%	9,000	7,970	9.16%
NASA, Aeronautics Research Directorate	828.7	915	10.41%	915	935	12.83%
NASA, Space Technology	1,100	1,425	29.55%	1,500	1,280	16.36%
NASA, Space Grant Program	51	57	11.76%	60	60	17.65%
NOAA, Oceanic and Atmospheric Research	570.6	722	26.53%	762	684.5	19.61%
NOAA, Sea Grant	69.5	115.7	66.47%	115.7	85	22.30%
NOAA, Marine Aquaculture Program	13	13	0.00%	15	14.5	11.54%
NIST, Manufacturing Extension Partnerships (MEP)	150	275	83.33%	275	275	88.33%
NIST, Manufacturing USA Program	16.5	167	912.12%	167	56.5	242.42%
EDA, Build to Scale	38	38	0.00%	50	50	31.58%

\$ in millions

The House passed its FY22 Commerce-Justice-Science Appropriations bill as part of a seven-bill minibus on July 31. The CJS bill provides \$81.3 billion, an increase of \$10.2 billion - 14 percent - above 2021.

Funding levels for agencies and programs of interest to APLU are as follows:

- **Department of Commerce** – \$10.95 billion for the Commerce Department, an increase of \$2.03 billion above the FY21 enacted level.
 - **Economic Development Administration (EDA)** –\$433 million, with \$50 million for the Build to Scale program.
 - **National Institute of Standards and Technology (NIST)** – \$1.35 billion, an increase of \$320 million above the FY2021 level. This includes \$275 million for the Manufacturing Extension Partnership program and \$56.5 million for the Manufacturing USA program. \$938 million is also included for core NIST research activities.
 - **National Oceanic and Atmospheric Administration (NOAA)** –\$6.46 billion, which includes \$684.5 for Oceanic and Atmospheric Research, \$85 million for Sea Grant, and

\$14.5 million for the Marine Aquaculture Program. Within NOAA accounts, the House prioritizes climate research, improvements in weather forecasting, understanding sea level rise, supporting offshore wind energy, fisheries management, and STEM education.

- **National Aeronautics and Space Administration (NASA)** – \$25.04 billion, \$1.77 billion above the FY21 enacted level, which includes:
 - **Aeronautics research** – \$935 million to continue efforts to improve passenger safety, fuel efficiency, and noise reduction, and to make air travel more environmentally sustainable.
 - **Science Mission Directorate** – \$7.97 billion to continue efforts to explore the solar system, other planets, and other solar systems, as well as efforts to gain scientific knowledge about the Earth’s changing climate.
 - \$1.2 billion for **Space Technology** and \$60 million for the **Space Grant** program.
- **National Science Foundation (NSF)** –\$9.63 billion, an increase of \$1.15 billion above the FY21 enacted level. These funds will foster innovation and U.S. economic competitiveness, including funding for climate science and sustainable research, as well as research on artificial intelligence, quantum information science, advanced manufacturing, cybersecurity, and many other critical areas. The bill also invests in important scientific infrastructure. Within this total:
 - **Research and Related Activities** – \$7.7 billion, an increase of \$785.97 million above the FY21 enacted level.
 - **Education and Human Resources** – \$1.27 billion, an increase of \$306.3 million above the FY21 enacted level, to help broaden participation in STEM research and STEM careers among underrepresented populations.

Additional resources and information on the House CJS Appropriations bill can be found [here](#).

DEFENSE: Stan Skocki (The Ohio State University)

House Defense Appropriations Subcommittee (HAC-D)

Back on July 13th, the House Appropriations Committee approved the fiscal year 2022 Defense bill on a 33-23 vote. The bill provides funding of \$705.939 billion, a modest 1.4 percent increase over the current budget for 2021. Unfortunately, for RDT&E the recommendation is \$110.4 billion in base funding, a decrease of \$1.6 billion below the budget request and an increase of \$3.2 billion above the FY 2021 enacted level. The measure is awaiting consideration by the House, which is expected to consider and pass a CR to give the House-Senate additional time to pass the defense and the other 11 appropriations bills.

- A summary of the bill is [here](#).
- The text of the bill is [here](#).
- The bill report is [here](#).
- Information on Community Project Funding in the bill is [here](#).
- The HAC press release on the bill's adoption is attached [here, including](#) the adopted amendments.

[Here's](#) a link to the Coalition for National Security Research's (CNSR) Budget & Appropriations Chart. (APLU is a member of CNSR.)

NDA – House Armed Services Committee

On September 2nd, the House Armed Service Committee approved H.R. 4350 the “National Defense Authorization Act for Fiscal Year 2022” by a bipartisan vote of 57 to two. On September 14th, the House Rules Committee concluded its process for accepting proposed amendments and is likely to meet the week of September 20th to grant a rule providing a structured amendment process for floor consideration. Once the Rules Committee adopts a rule, H.R. 4350 is expected to be considered by the House soon thereafter if all goes according to plan. There have been a total of 812 amendments submitted for consideration, some of which were filed late and others have been withdrawn or revised.

Below is a summary of the bill key provisions courtesy of CNSR and links to the bill, report, and amendments.

- Ranking Member Rogers (R-AL) amendment increasing overall DoD funding by \$25 billion helped Defense S&T. Moreover, basic research across the board saw increases from the Chairman’s mark.

<u>RDT&E Activity (\$ in Thousands)</u>	<u>FY 22 PBR</u>	<u>FY22 HASC NDAA</u>	<u>FY22 HAC-D</u>
RDT&E	\$111,964,194	\$118,083,500	\$110,368,824
6.1 Basic Research	\$2,282,934	\$2,655,733	\$2,441,498
6.2 Applied Research	\$5,508,884	\$6,831,734	\$5,924,283
6.3 Advanced Tech Dev	\$6,893,460	\$8,773,565	\$7,637,654
Defense S&T	\$14,685,278	\$18,261,032	\$16,003,435

- The text of reported bill is [here](#).
- The bill report is [here](#).
- A list of amendments can be found [here](#). Below are some amendments that we’re monitoring –

<u>RDT&E Activity (\$ in Thousands)</u>	<u>FY 22 PBR</u>	<u>FY22 HASC NDAA</u>	<u>FY22 HAC-D</u>
RDT&E	\$111,964,194	\$118,083,500	\$110,368,824
6.1 Basic Research	\$2,282,934	\$2,655,733	\$2,441,498
6.2 Applied Research	\$5,508,884	\$6,831,734	\$5,924,283
6.3 Advanced Tech Dev	\$6,893,460	\$8,773,565	\$7,637,654
Defense S&T	\$14,685,278	\$18,261,032	\$16,003,435

NDA – Senate Armed Services Committee (SASC)

On July 22nd, SASC advanced its FY2022 National Defense Authorization Act (NDAA) on a 23-3 vote. The Committee released an [executive summary](#) of the bill, which authorizes \$777.9 billion for defense programs in FY2022, \$740 billion of which is allocated to the Department of Defense, \$25 billion above the FY2022 president’s budget request. A brief summary of provisions of interest developed by the Coalition for National Security Research is available [here](#).

ENERGY AND WATER: Sarah Walter (Michigan State University)

Before the August recess both the House and Senate Appropriations Committee marked up their FY22 Energy & Water Appropriations bill. Of note, the House recommended \$7.32 B for the Office of Science (a 4.18% increase over FY21) while Senate appropriators recommended \$7.49 B (a 6.6% increase over FY21). For the Advanced Research Projects Agency-Energy (ARPA-E, the House mark recommends \$600 m (a 40.52% increase over FY21) and the Senate mark recommends \$500 m (a 17.1% increase and flat with the President's FY22 Budget Request). In both cases, Biological and Environmental Research received the largest percentage increase.

Specifically, neither the House nor the Senate appropriate funds for the White House request for a new agency, ARPA-Climate (ARPA-C). The House report "notes that ARPA-E has authority "to address the energy and environmental missions of the Department," according to section 5012 of the America COMPETES Act. This includes climate-related innovations, and further, the Committee notes that ARPA-E already funds such activities. The Department is directed to conduct the proposed activities through ARPA-E. Additionally, the budget request proposes funds for other federal agencies in support of ARPA-C's mission." The Department is directed to support and coordinate any such efforts through ARPA-E." The Senate report states that the committee "supports the budget's approach to focus on climate innovations and emission reduction; however, the budget request justification notes that ARPA-C will require legislation beyond the current ARPA-E authorization. The Committee encourages ARPA-E to consider proposed activities under ARPA-C that are consistent with ARPA-E's mission and authorization in addition to its other current and proposed activities. Additionally, ARPA-E shall coordinate funding from other Federal agencies in support of ARPA-C, if such funds are provided."

LABOR HEALTH AND HUMAN SERVICES-EDUCATION: Mike Lenn (University of Wisconsin-Madison)

The House Appropriations Committee passed the Labor-HHS-Education bill before the August recess, but the Senate is not expected to consider it in Committee due to controversial policy riders. A summary of the bill is [here](#) and the bill report is available [here](#).

Earlier this month, the House Education and Labor Committee marked up its part of the reconciliation package. The bill includes \$761 billion in new spending, including funding for higher education and student aid programs. The committee released the [bill text](#) and a [summary](#).

There are four main higher education proposals in the bill:

- \$500 increase for Pell Grants, which would bring the maximum award to \$6,995
- A federal-state partnership to provide free community college tuition and subsidize two years of tuition at Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities, Hispanic-Serving Institutions (HSIs), and other minority serving institutions (MSIs)
- \$9 billion to help states and institutions improve college retention and completion
- An additional \$3.45 billion for HBCUs and other MSIs to provide expanded institutional support and a \$2 billion competitive grant program for building research infrastructure

AUTHORIZATION TASK FORCE

Authorization Task Force Chair: Julia Smith (University of Arizona)

ATHLETICS: Steven Beckham (University of South Carolina)

The House Energy and Commerce Consumer Protection subcommittee is holding an NIL/CABOR hearing on September 30. There has not been an official notification or witness list released. If your state has members on that subcommittee, this is an important opportunity to engage with them on the principles/concerns/goals involving NIL.

LEAD1 (Athletic Directors organization) is holding a fly-in next week.

Congressman Anthony Gonzalez R-OH, who is very engaged in NIL (has introduced a bill with Congressman Cleaver), has announced he is not running for reelection.

Collegiate athletes all over the country are entering into NIL deals. Some three dozen states have NIL laws. The NCAA has adopted rules enabling others to participate in NIL. Federal preemption for a uniform standard remains a priority.

Interestingly, at my university, the University of South Carolina, while some of the “bigger” names in the “bigger” sports have gotten sponsorship deals, the largest deal is reported to be a lesser-known athlete with a large social media following.

Our next Athletic Task Force call is on September 28 at NOON ET.

INTERNATIONAL & IMMIGRATION: Ashley Fumiko Dominguez (UCLA) and Ian Grubman (Rutgers University)

Immigration in Budget Reconciliation

On September 10, House Judiciary Committee Chairman Jerry Nadler issued a [press release](#) announcing the “committee print” for his committee’s budget reconciliation markup. The [Committee approved the legislation](#) along party lines on Monday. The [bill](#) has several [immigration provisions](#), including a roadmap to citizenship for undocumented individuals who arrived as minors (Dreamers), TPS and DED holders, essential workers, and farmworkers; the recapturing of approximately 500,000 unused visas; and \$2.8 billion for U.S. Citizenship and Immigration Services (USCIS) to handle increased processing. In addition, the House Education and Labor Committee’s reconciliation bill would expand eligibility for federal financial aid—including Pell Grants—to DACA recipients and those with TPS and DED through 2030.

It should be noted that the [Senate Parliamentarian](#) has yet to rule on whether these various [immigration provisions](#) will pass the Byrd Rule and ultimately make it into the final budget reconciliation bill.

Visa Interview Waivers

On September 14, the Department of State announced it will now allow [consular officers to waive the in-person interview requirement for F, M, and J \(academic\) applicants](#) through the end of 2021. With “certain exceptions... Consular officers may, if they so choose, and pursuant to local conditions, now

waive the visa interview requirement for F, M, and academic J visa applicants who were previously issued any type of visa, and who have never been refused a visa unless such refusal was overcome or waived, and who have no apparent ineligibility or potential ineligibility; or first-time F, M, and academic J visa applicants who are citizens or nationals of a country that participates in the Visa Waiver Program (VWP), provided they have no apparent ineligibility or potential ineligibility.”

As you may recall, State issued an earlier [waiver](#) for “individuals applying for a nonimmigrant visa in the same classification” in March 2021. And National Interest Exceptions (NIE) remain in place for F, M, and J visa holders from countries affected by COVID-19 travel restrictions.

Texas Court DACA Decision Appealed

On September 10, the [Biden Administration appealed](#) a July decision from [Texas District Judge Andrew Hanen](#). As a reminder, the July court decision blocked USCIS from processing new DACA applications but does not impact current DACA recipients. The Department of Justice filed a notice to appeal the Texas ruling which will send this case to the 5th U.S. Circuit Court of Appeals. It is possible this case will make its way up to the Supreme Court since the [2020 SCOTUS DACA decision](#) ruled on whether the Trump Administration ended DACA appropriately and not on the legality of DACA.

H-1B Lottery Rule Struck Down

On Wednesday, a district court judge in Northern California [struck down the Trump era rule that would eliminate the H-1B visa lottery](#) by prioritizing applications with the highest salaries. Judge Jeffrey White sided with plaintiffs—led by the Chamber of Commerce and includes a few universities—in ruling former Acting Homeland Security Secretary Chad Wolf was not validly appointed when he signed and DHS published the rule. While the Biden administration had delayed implementation of the rule until the beginning of 2022, it supports eliminating the H-1B lottery, a move that has bipartisan backing in both the House and Senate, even though doing so would practically block international students from transitioning to H-1Bs after graduation. So it seems likely the Biden administration will appeal this ruling.

Afghanistan Update

In mid-August, the [Taliban took control of Afghanistan](#) and the country quickly devolved into violence at a rate that caught the world off guard. Over-night, Afghans, Americans, and religious and ethnic minorities began to attempt to flee the country. Many CGA institutions worked with the Departments of State and Defense and Members of Congress to evacuate their researchers and/or faculty who were still in country. On August 31, the U.S. officially [withdrew](#) from Afghanistan, ending a 20-year presence in the country.

APLU’s Commission on International Initiatives remains engaged on Afghanistan and is convening weekly meetings with international officers and outside groups on a variety of topics related to Afghanistan. [Bernie Burrola](#), APLU’s Vice President for International Engagement, has been the point person for APLU on these activities and will provide an update on our call today.