



# Association of American Universities

79-4

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To: Executive Heads of AAU Universities

From: Thomas A. Bartlett *Tom*

In this Congressional session, we can expect the toughest appropriations fight in many years. The Administration's research budget proposals are certain to be attacked. At the same time, President Carter has given research a special position in his budget, providing a strong lead for us to support, and the academic and scientific communities seem better prepared than before to support the President's budget. Altogether, the elements for Donneybrook Fair seem to be assembling. I say this because I believe AAU Presidents and their staffs must be prepared to make unprecedented efforts to persuade Congress to vote adequate research funds. You are accustomed to working with your delegations without any comments from us; in addition, this office will be making requests to you as part of the common effort. Your responses are likely to determine the outcome in Congress.

## FY 1980 Basic Research Budget

The FY 1980 basic research budgets are beginning to wind their way through Congressional authorization and appropriation committees. Witnesses for AAU, ACE, and NASULGC have already appeared before House and Senate Authorization Committees on behalf of the FY 1980 NSF budget. On February 26, Chancellor Wesley Posvar of the University of Pittsburgh testified before the House Subcommittee on Science, Research and Technology, and on March 2, Dr. William Partridge, Vice President for Research for the University of Utah, appeared before the Senate Subcommittee on Health and Scientific Research. They strongly supported the FY 1980 budget proposed for NSF and especially emphasized the need to provide for increased support for scientific instrumentation and equipment. They also stressed the emerging problem of providing sufficient places for young faculty. (Copies of their statements are available from our office.)

Concerning NSF authorization, there is some good news to report. Some members of Congress are responding to the vigorous efforts of the Administration on behalf of basic research. For the first time in several years, the House Subcommittee on Science, Research and Technology exceeded the budget request for NSF when they marked up the Foundation's authorization bill on March 7. They recommended over \$1.012 billion, \$5.5 million more than the total requested

for NSF. The Committee, did, however, reallocate \$5 million of basic research funds to other areas, including appropriate technology and earthquake research. The full Committee on Science and Technology will consider the bill on March 15. A markup of the Senate authorization bill is expected by mid-March.

Meanwhile, other committees are continuing hearings on the budgets of the mission agencies. Witnesses on behalf of AAU, ACE, and NASULGC will appear before several appropriations subcommittees over the next two months.

Despite the clear priority for basic research established by the President, key members of Congress and their staffs continue to emphasize that only an unprecedented effort by the university and science communities can ensure that the President's proposals are adopted. AAU is working closely with other higher education associations and with a number of national science societies to form a loosely knit coalition for support of the 1980 proposals. We are told that what is needed this year as never before are expressions of support from individual researchers and institutions to members of their own state congressional delegations. Individualized letters to delegations from recognized researchers and institutional leaders, with copies to appropriate committee chairmen, would be timely and effective. Many of you, whose senators or congressmen serve as members of key congressional committees, have a special responsibility.

#### Senate Oversight Hearing on Research

On March 7, President Saxon, Chairman of the AAU Committee on Science and Research, Dr. David White, Director of the MIT Energy Laboratory, and Dr. William O. Baker, President of Bell Laboratories, testified as a panel before the Senate Subcommittee on Science, Technology, and Space. The Committee asked the witnesses to discuss the recommendations of reports prepared last summer for Dr. Frank Press on basic research in the Department of Energy and in the Department of Defense. Based on these reports, the panel discussed ways to improve research relationships between universities and the departments. Dr. Baker, in particular, strongly urged increased support for the best university researchers. He recommended the development of new programs to strengthen university-based interdisciplinary research and major new support for basic research in computer-related sciences. His specific proposals will be considered by the AAU Committee on Science and Research at the April meeting. (The three statements are available from our office.)

#### Rescissions

The year's agenda for health manpower support has begun on an ominous note with the battle to retain already appropriated funds for health professions education. The House Labor/HEW Subcommittee and Appropriations Committee voted rescissions of over \$61 million in health manpower funds for Medicine, Osteopathy, Dentistry, and Nursing. However, the full House restored \$37 million of the funds on Wednesday, voting 262-139 for an amendment offered by Congressman Staggers of West Virginia.

In the Senate, the Labor/HEW Appropriations Subcommittee referred the issue to the full committee on March 8 without a subcommittee vote. The full Senate Appropriations Committee voted the same day for rescissions in health manpower totalling \$46.35 million. (Attachment)

The floor vote in the Senate will be early next week.

#### Department of Education

The Senate Committee intends to mark up S.210 sometime in March, but the date has not been set. There is little change in the bill from last year. Democrats continue to support the bill and Republicans will consider any and all amendments but plan to vote "aye." At most there will be one vote of "no."

The main battle will be in the House, where the Administration bill was introduced by Jack Brooks, Chairman of the Committee on Government Operations, with 72 co-sponsors. Significantly, 16 of 25 Democrats on the Government Operations Committee failed to co-sponsor, and none of the Committee Republicans co-sponsored. Further House consideration will await final Senate action.

At this point, the outcome in the House Committee is very uncertain, with the sides nearly even. If individuals wish to take positions on the bill, it appears the time to do that is now.

#### Meeting with Secretary Califano

Nineteen college and university presidents, including seven AAU presidents, met with Secretary Califano, at his request, on March 7. Major topics of discussion were: (1) student financial assistance; (2) funding for facilities (including program access for the handicapped and energy-efficient facilities); (3) government regulations which cost too much to accomplish their goals and which are administered by people who lack any understanding of the nature of the academic enterprise; (4) research funding and (5) health manpower policies.

Concern was also expressed about maintenance of the quality of the educational enterprise in the face of inflation and severe budgetary constraints; Title IX; the lack of a national foreign policy with respect to foreign students, and other familiar academic concerns.

The Secretary commented that he did not have adequate data on the financial problems institutions would face in complying with Title IX regulations, or in complying with 504 regulations on access for the handicapped. He also expressed surprise that only one President had talked about the declining student-age population and the problems this would present or the plans being made to deal with these problems. One President suggested that the Secretary's questions indicated that we had failed to communicate to him what was occurring on our campuses. Generally, the participants agreed that the meeting was a profitable one, and that the general tone was mutual concern to strengthen the nation's colleges and universities.

Department of Labor: Affirmative Action Administration

Frank Rhodes called recently to describe his dismay at the limited quality of the personnel carrying out the Department of Labor Affirmative Action investigation at Cornell. He noted his sympathy with the objectives of affirmative action and Cornell's efforts to move ahead, but expressed concern that the DOL's poor administration was undermining support for the program. He would be interested in hearing from others who have experienced inadequate DOL personnel and procedures, perhaps in preparation for forming a delegation to call on the Secretary of Labor to apprise him of (a) sympathy for the program, (b) dismay at the means now being employed, and (c) willingness to join in a search for improvements.

A-21

On January 8, Senator Stevenson wrote to James McIntyre, Director of OMB, urging postponement of portions of the revised Circular A-21. A copy of Mr. McIntyre's response is attached.

Patent Legislation

The Senate "Dole-Bayh" bill has been introduced by Representative Rodino, Chairman of the House Committee on the Judiciary. The Chronicle of Higher Education, March, 1979, has a summary.) The Bill (H.R. 2414) was referred to the Subcommittee on Courts, Civil Liberties and the Administration of Justice, chaired by Representative Kastenmeier (Wis.). Historically, Kastenmeier has opposed federal policy that would grant patent rights to institutions where the work was done on a federal contract, but his position has moderated. He will need more convincing at hearings that will be scheduled, at the earliest, in late Spring.

It would help Chairman Kastenmeier to understand university concerns if his colleagues in the House co-sponsored the legislation. Co-sponsorship has been simplified: it no longer requires re-introduction of the bill. Members merely tell the clerk of the House that they wish to co-sponsor H.R. 2414, and notice of their co-sponsorship appears shortly thereafter in the Congressional Record.

"Uncapping" Retirement Age

Three bills which would have the effect of eliminating mandatory retirement at any set age have been introduced in the House. The House Select Committee on Aging, chaired by Congressman Pepper (Fla.) will hold hearings this Spring. Pepper has introduced a bill which is co-sponsored by Congressman Hawkins (Cal.), who chairs Education and Labor's Subcommittee on Employment Opportunities; Congressman Hawkins may try to report legislation out of that subcommittee as well.

The Chairman of the Senate Committee on Labor and Human Resources, Senator Williams (N.J.), is reported to have no intention of opening the question of "uncapping" this year.

While ACE is the lead agency on this issue, AAU will monitor developments and keep you informed.

### Young Faculty - Generation Gap

We are continuing our efforts to gather data on the "young faculty" problem. Upon the request of Richard Atkinson, Director of the National Science Foundation, the National Academy of Sciences will undertake an analysis of information and studies now available. This study would evaluate the objectives of several programs directed toward young investigators and analyze differences between disciplines in faculty age distribution and projected hiring capacity. Joseph Duffey, Chairman of the National Endowment for the Humanities, following a suggestion from the AAU and ACE, has requested that the study include the humanities and social sciences.

On a related matter, on behalf of the AAU Committee on Graduate Education, we have mailed to your office a questionnaire intended to determine age patterns among tenured faculty as well as likely institutional hiring in some eleven fields, assuming a steady overall enrollment.

### AAU/NASULGC Joint Committee on Health Policy

The Joint Committee chaired by Chancellor Danforth met Monday, February 26, to consider the issues of health manpower and hospital cost containment. The committee is developing a statement on those processes in the university which should be protected from federal intrusion in future programs related to health manpower. It is also developing a funding policy with three elements: Institutional aid (capitation), student aid, and support for facilities renovation.

As for hospital cost containment legislation, the President's bill introduced last week is complex to the point of being Byzantine, due to an Administration effort to head off complaints of different interest groups. The bill does not include exemptions for teaching hospitals, nor does it address comparability problems in trying to establish standards. In addition, there are no provisions for reducing the pressures on hospitals of an aging population. While the bill is so complex that it may defeat itself, hospital cost containment legislation is one of the Administration's highest priorities. We can reasonably expect a strong lobbying effort on the part of the White House to assure the success of some legislation.

### Human Subject Research

AAU, NASULGC, and AAMC staff members will meet today with staff from DHEW and representatives of the insurance industry to discuss compensation for subjects injured in research.

We are also exploring the feasibility of obtaining withdrawal of the November 3 regulation on informed consent, which requires notice to research subjects of whether or not compensation is available for injuries not caused by negligence. That regulation causes many problems for investigators and universities and does not solve the problem of compensation for injured subjects.

### Institute for Technological Cooperation

The Administration's bill to establish a new Institute for Technological Cooperation (ITC--formerly called the Foundation for International Technological Cooperation) has been sent to the Senate Foreign Relations Committee and the House Foreign Affairs committee as Title II of the foreign aid bill. Hearings are underway.

The President's reorganization plan for foreign aid, which will establish an International Development Cooperation Administration (IDCA), is expected to go to House and Senate Government Operations Committees by the end of March.

AAU will support the establishment of the new Institute for Technological Cooperation because of its aim to support research needed to assist development. While predictions are that the reorganization of foreign aid will go through and that the funds for the Institute will be authorized, appropriations will be more difficult. Apparently, both members of Congress and many agency staff are not aware of the potentially important role of research in development.

### INS Regulations on Foreign Students

The Immigration and Naturalization Service has recently issued new operating instructions to its regional offices concerning questions to be asked in interviews with foreign students seeking an extension of stay in the United States. These instructions require institutions to certify that the student has "not engaged in any activity deemed inconsistent with his/her continued presence in the United States as a student." AAU has joined ACE, NASULGC and other associations in expressing concern over these new procedures. Harold Enarson, who chairs NASULGC's International Affairs Committee, has suggested that we share the inter-association letter with you. (Attached)

### Women in Education

Last fall I had a lengthy discussion with Bernice Sandler, Director of the Project on the Status and Education of Women. We talked about the possibility of a gathering of several AAU presidents and a group of women interested in women in higher education. That group might discuss practical problems that still remain now that most of the global barriers have been removed. Given the fierce schedule pressures under which you all operate, it is doubtful that a significant number of AAU presidents could be drawn to Washington for that purpose alone. Such a discussion does not fit into our April meeting, because we have already arranged the Tuesday morning panel on the subject of international education programs and have invited the participants. We are protecting opportunities for general discussion, since my impression from conversations with many of you is that such periods are a valued part of our AAU meetings. However, one possibility for the discussion of women might be the Monday morning of April 16, say, from 9:00 a.m. to 11:00 a.m., prior to our opening session. If any of you are interested, will you please let me know, and I will raise the date with Bernice Sandler. (I have not mentioned the date to her.)