With the House already having started their August recess period, Senate Democrats spent a large portion of their last week in session focusing on the proposed reconciliation bill focused on deficit reduction, combatting climate change, and drug pricing. The package would create several new tax credits for investments in renewable energy and green technologies in addition to capping drug costs for Medicare beneficiaries and allow the program to negotiate drug prices with pharmaceutical companies. The Senate parliamentarian is still considering the bill, but is expected to render a final decision on all included provisions late on Friday, and the Senate is expected to consider it on the floor beginning Saturday. If the Senate passes the bill, which is expected, the House will be called back next week to pass the bill and send it to President Biden to be signed into law. Both chambers will then recess to campaign in their districts for the month of August before the November midterms.

The University of Minnesota Washington Update provides intelligence and analysis on recent federal activities. Faculty visiting Washington, D.C. are encouraged to contact Sarah Neimeyer, Director of Government Relations, at neimeyer@umn.edu. Contact Christina Laridaen, Lewis-Burke Associates LLC, at christina@lewis-burke.com with any questions or comments related to the Update’s content.

Appropriations, Policy, Agency Updates and Funding Opportunities

Appropriations Update: Senate Appropriations Committee Releases FY 2023 Funding Bills
On July 28, the Senate Appropriations Committee released all 12 of its fiscal year (FY) 2023 funding bills. Now that the Senate and House have both released their appropriations bills, they will have to come together to negotiate conferenced versions that will eventually be sent to the President to be signed into law. This process is expected to go well past the September 30 fiscal year deadline, and a continuing resolution will be needed to fund the government after that date, but lawmakers are hopeful they will be able to come to a compromise before the next Congress begins in January. Full analyses of the individual funding bills can be found below.

- Defense
- Labor-Health and Human Services-Education
- Interior and Environment
- Homeland Security
- Commerce, Justice, and Science
- Agriculture
Congressional Update: Congress Passes CHIPS+Science Legislation

Last week, Congress passed a long-awaited competitiveness and innovation package that is one of the most comprehensive in decades. With overwhelmingly bipartisan support, the CHIPS+Science Act (CHIPS+) would appropriate $54 billion in funding for semiconductor research and development, manufacturing, tax incentives, and workforce development as well as advanced wireless innovation infrastructure and development. The legislation also would authorize approximately $102 billion to advance major research initiatives at the National Science Foundation (NSF), Department of Energy (DOE), the National Institute of Standards and Technology (NIST), and the National Aeronautics and Space Administration (NASA), creates a new bioeconomy research and development national initiative, and establishes Regional Technology Hubs.

The legislation now heads to the President’s desk for signature. The Administration has been actively pushing for bill passage and the President is strongly expected to sign it. The attached analysis provides additional information on major provisions in the CHIPS+ legislation, and a comparison with COMPETES and USICA. A full analysis of the passed legislation can be found here.

Policy Update: CMS Issues Proposed Rule Promoting Equity and Nondiscrimination in Health Care

The Biden Administration issued a proposed rule interpreting Section 1557 of the Affordable Care Act to better align the law’s nondiscrimination requirements with civil rights case law and a 2020 Supreme Court ruling. Section 1557 prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs and activities. It also allows the Secretary of Health and Human Services (HHS) to issue rules implementing the section.

On June 19, 2020, the Centers for Medicare and Medicaid Services (CMS) issued final regulations implementing Section 1557. At this time, the Trump Administration had scaled back many of the Obama Administration’s regulations on the section, issued in 2016, by eliminating prohibitions on discrimination on what it deemed “overbroad provisions relating to sex and gender identity.” The regulation also adopted broad abortion and religious freedom exemptions, and curbed protections from certain practices by health insurers.

Concurrently, on June 15, 2020, the Supreme Court in its ruling in Bostock v. Clayton County, held that the ban on discrimination in Title VII protects gay, lesbian, and transgender employees. CMS clarified in the proposal that Section 1557 is not intended to apply a lesser standard of protection for individuals from discrimination than the standards under Federal civil rights laws under 42 U.S.C. 18116(b), which includes Title VI, Title VII, Title IX, Section 504, and the Age Act. Therefore, on clinical algorithms, CMS is seeking to explicitly prohibit discrimination in the use of clinical algorithms to support decision-making in covered health programs and activities. With regard to health insurers, CMS is proposing to clarify that covered entities may not discriminate on the basis of race, color, national origin, sex, age, or disability. They also may not deny, cancel, limit, or refuse to issue or renew coverage; deny or limit coverage of a claim; or impose additional cost sharing or other limitations or restrictions on coverage on those bases.

In addition to interpreting the Bostock decision to affirm protections against discrimination on the basis of sexual orientation and gender identity, CMS is seeking comments on the impact of the Supreme Court’s decision in Dobbs v. Jackson Women’s Health Organization on the implementation of Section 1557. The proposed rule also requires reasonable accommodations for individuals with disabilities and limited English proficiency.
Additionally, the Department of Health and Human Services (HHS) has long held that Medicare Part B funding does not constitute “Federal financial assistance” for the purpose of Title VI, Title IX, Section 504, the Age Act, and Section 1557. However, HHS and CMS are re-evaluating that position in this proposal and CMS states that, “Like Medicare Part A, Medicare Part B is a Department program that provides payment for health services to eligible individuals. Eligible individuals choose to enroll in Medicare Part B and pay a monthly fee for coverage; in exchange, the program covers the services provided by medical providers and suppliers for the services and supplies they provide to these individuals. In addition to fee payments made by beneficiaries, Federal funds are used to subsidize the entities that provide Part B services.”

HHS encourages all stakeholders, including patients and their families, health insurance issuers, health care providers, health care professional associations, consumer advocates, and government entities, to submit comments through www.regulations.gov.

Public comments on the proposed rule are due 60 days after publication in the Federal Register. HHS will also be conducting a Tribal consultation meeting on August 31, 2022, from 2:00 p.m. to 4:00 p.m. Eastern Daylight Time. To participate, register here.

Sources and Additional Information:

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Agency Update: NSF Selects James L. Moore III to Lead the Education and Human Resources Directorate

On August 3, the National Science Foundation (NSF) selected James L. Moore to head the agency’s Education and Human Resources Directorate (EHR), which supports learning and teaching research to expand the proficiency of STEM education at all levels. Prior to his selection, Moore served as the vice provost for diversity and inclusion and chief diversity officer at The Ohio State University, and the first executive director of the Todd Anthony Bell National Resource Center on the African American Male. He also previously served as an NSF program director from 2015-2017 for the Broadening Participation in Engineering program within the Directorate for Engineering. His previous research has focused on STEM and gifted education with a focus on multicultural and urban education. Moore will begin serving in this role on August 22 and will replace former EHR head Karen Marrongelle, who was selected to be the Chief Operating Officer of NSF in July 2021.

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The National Science Foundation (NSF) has issued a Dear Colleague Letter (DCL) announcing the creation of the Critical Aspects of Sustainability: Innovative Solutions to Sustainable Chemistry Program (CAS-SC) under the Critical Aspects of Sustainability (CAS) umbrella initiative which was initiated in early 2021 to support acceleration of NSF’s work related to climate change, sustainability, and conservation. CAS-SC was created to
expand national sustainability research through proposal submissions focused on quantitative sustainable chemistry as well as industrial partnerships. It encourages public and private institutions to work together to submit research proposals that focus specifically on questions relevant to innovation and current societal needs including resource efficiency for chemical products and reduction of hazardous waste.

Suitable topics for proposals for the program include, but are not limited to:

- Chemical and Physical Building Blocks, Reactivity, and Fate;
- Sustainable Products from Alternative Processes;
- Advancements in Measurements and Modeling; and
- Industrial, Manufacturing, & Agricultural Advances.

The program defines solutions to sustainable chemistry challenges as those that are interdisciplinary, foundational, use-inspired, and translational to improve the efficiency with which resources are used to meet human needs for chemical products and materials while reducing use of hazardous substances and the generation of waste. NSF encourages partnerships between state, local, and tribal governments and academic or industrial experts in the submission of proposals for this program.

**Award Information:** Similar to the original CAS program, teams that are interested in submitting a full proposal are required to submit a concept outline to the appropriate participating NSF division at [https://suitability.nsf.gov/s/](https://suitability.nsf.gov/s/) with a project title, list of team members, a summary of the project concept, and a description of how the proposed research contributes to the field of sustainable chemistry. Only applicants that submit with this format prior to the submission of a full proposal will be considered for a full proposal.

**Total Funding and Award Size:** NSF has not indicated a level of funding that will be made available for this program. It is likely to follow the format of the original CAS program, in which individual divisions dedicate funds to meritorious projects as they are received without a quota or minimum number of projects to select.

**Eligibility and Proposal Limitations:** This program is open to research institutions and institutions of higher education and encourages partnerships with state, local, and tribal governments and industry though they are not independently eligible.

**Sources and Additional Information:**
- The CAS site can be found at [https://beta.nsf.gov/funding/opportunities/critical-aspects-sustainability-cas](https://beta.nsf.gov/funding/opportunities/critical-aspects-sustainability-cas).

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**Funding Opportunity: NOAA Releases FY 2023 Climate Program Office Competitions**
The National Oceanic and Atmospheric Administration (NOAA) Climate Program Office (CPO) has released its fiscal year (FY) 2023 solicitation for approximately 90 new awards with a total of $11.1 million in available funds, slightly less than the $15 million competed last year. The FY 2023 solicitation is operated through three of CPO’s four programs: Earth System Science and Modeling (ESSM), Climate and Societal Interactions (CSI), and National Integrated Drought Information System (NIDIS). The FY 2023 competitions will be centered...
around the four high-priority climate risk areas: (1) Coastal Inundation, (2) Marine Ecosystems, (3) Water Resources, and (4) Extreme Heat. The six competitions for FY 2023 are:

1. **Atmospheric Chemistry, Carbon Cycle, and Climate (AC4): Methane across scales**
   - This competition invites proposals focused on methane measurements and modeling across temporal and spatial scales, with priority for research that considers urban, regional, and global methane concentrations and trends. Partnerships with NOAA scientists are encouraged. Proposals should focus on at least one of the following:
     - “Explaining the trends and underlying drivers of those trends in global and regional methane concentrations
     - Improvements in process modeling of methane at a regional and global scale
     - Quantification of urban methane across the U.S., including through collaboration with local communities
     - Understanding Arctic methane, particularly in the larger context of carbon cycling and climate-driven feedbacks
     - Demonstration of utility of current and potential future measurements to support monitoring, reporting and verification of emissions and, importantly, changes in emissions over time.”
   - Proposals should budget for up to $750,000 for no more than 3 years. Six to eight awards are anticipated.

2. **Climate Observations and Monitoring (COM): Precipitation-related Dataset Development and Analysis**
   - This competition is seeking proposals that will “exploit NOAA’s (and other Federal or publicly available) existing surface (ocean, land, ice), atmosphere, precipitation and related observation-based data (inclusive of in situ, remote sensing, and paleoclimate data) to advance NOAA’s Precipitation Prediction Grand Challenge (PPGC) strategy, fill knowledge gaps (e.g., highlighted in the reports listed above), and ultimately reduce societal impacts from an intensifying water cycle.”
   - Proposed projects should strongly incorporate an observation-based dataset or product development and/or an observation-based analysis component.
   - A total of $1.5 million is expected to be available for the first year of new projects, with most awards likely to be around $175,000 per year for two to three years. Five to eight projects are anticipated to receive awards under this competition.

   - This competition seeks to support research that will “advance model-based understanding, monitoring, prediction, predictability, and model representation of drought.” Projects should seek to inform efforts to manage water resources in the context of climate change and variability.
   - NOAA expects to award eight to ten projects up to $200,000 per year for up to three years, with total competition funding of $1.8 million.

   - This competition seeks to support NOAA’s efforts to “provide information on mid-to-long timescales, and to connect NOAA’s research and modeling capabilities with its product development and services capabilities” to ultimately help produce transparent and reliable climate projections. This competition will fund two types of proposals:
Type 1 proposals will address the research questions in the solicitation by applying data to long-range projections.

Type 2 proposals will explore those research questions “as well as the development of a NOAA multi-decadal projection capability that connects NOAA’s research capabilities to experimental products.”

- NOAA expects to fund five to eight type 1 awards up to $200,000 per year, and one type 2 award up to $2 million per year, with a total of $3 million available for this competition.

5. Earth’s Radiation Budget, AC4, and Climate Variability and Predictability (ERB, AC4 and CVP): Applications of satellite data to aerosol research

- This competition seeks proposals focused on applications of satellite data for observing aerosol impacts including contributions to human health, impacts of wildfire smoke, air quality forecasting, Earth’s radiative budget, cloud-aerosol interactions, and cloud processes.
- Proposals should budget up to $250,000 per year over three years. NOAA expects to issue three to five awards.

6. Climate and Fisheries Adaptation (CAFA): Promoting resilience and adaptation of U.S. marine fisheries and fishing communities

- For Type A projects, this competition is seeking interdisciplinary proposals to “better understand the impacts of climate variability and change on marine ecosystems and evaluate strategies and tools to promote resilience and adaptation of fish stocks, fisheries and the communities and economies that depend on them,” and should utilize climate, ecological, and socioeconomic research and modeling.
- Type B projects will support participatory research to promote “understanding of climate adaptation and resilience of frontline fishing communities.” The program is seeking to support interdisciplinary or social science research; projects should consider impacts to cultural resources and advance sustainable and equitable adaptation practices.
- Type A proposals should budget up to $400,000 per year for up to three years. Type B proposals should budget up to $200,000 per year for up to three years. NOAA expects to issue three Type A awards and three to four Type B awards, with total competition funding of $1.8 million per year.

Key Dates and Deadlines: Letters of Intent are due by 5:00pm ET on September 1, 2022 and full applications are due by 5:00pm ET on November 21, 2022. NOAA will host an informational webinar on the ERB, AC4 and CVP competitions on Tuesday, August 9 at 1:00pm ET.

Award Information: NOAA anticipates granting 90 awards across all six competitions with total program funding of $11.1 million in FY 2023. Expected award amounts vary by each competition.

Eligibility: Institutions of higher education; non-profits; international organizations; and state, local, or tribal governments are eligible to apply. There is no cost-sharing requirement.

Sources and additional information:
- The CPO notice of funding opportunity as well as brief descriptions and information sheets for each competition are available at https://cpo.noaa.gov/Funding-Opportunities/2023-Notice-of-Funding-Opportunity.
More information on the webinar, including registration details, is available at https://cpo.noaa.gov/Divisions-Programs/Earth-System-Science-and-Modeling/Atmospheric-Chemistry-Carbon-Cycle-Climate-AC4/News/ArtMID/8741/ArticleID/2580/NOAAOAR-Climate-Program-Offices-AC4-ERB-and-CVP-Programs-2023-NOFO-QA.