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CONGRESSIONAL SCHEDULE  NEW

The House met today and approved a resolution (H. Res. 72) directing House committees to review regulations under their jurisdictions. The Senate did not meet today.

The Senate will return to session on Monday, February 14, to resume consideration of the Federal Aviation Administration reauthorization bill (S. 223).

The House next week is expected to consider an FY11 appropriations measure (see item below) and legislation to renew three provisions of the Patriot Act (H.R. 514).

BUDGET & APPROPRIATIONS

NEW HOUSE FY11 BUDGET PLAN WOULD CUT BILLIONS MORE  NEW

The House Republican leadership is expected to release sometime today a new version of its FY11 funding package that would cut $26 billion more from non-security discretionary programs than the budget outline they announced on February 3. The new package—which has not been announced at this writing—is expected to propose cutting $100 billion from President Obama’s FY11 budget proposal, rather than the $74 billion cut proposed earlier. House appropriators began developing the new package after conservative Republicans said they would oppose the measure unless it included reductions that they believed were sufficient to fulfill the pledge of $100 billion in cuts contained in last fall’s “Pledge to America.”
Because Congress last year was unable to approve a full-year appropriations package for FY11, the federal government has been funded at largely FY10 levels through a continuing resolution (CR) that expires on March 4. The House package announced February 3 proposed to cut $74 billion from the President’s FY11 budget plan, or $35 billion from current funding. Because the plan provided $8 billion above the FY10 level for security spending, non-security spending would actually have been cut by $43 billion, or 9.3 percent, from its FY10 level. It is worth noting that the impact of the cuts would be more significant because they would be implemented over the less than seven remaining months of FY11. While a detailed plan had not been announced, House Appropriations Committee Chairman Hal Rogers (R-KY) did release a list of spending cuts to be included in the package (see story below).

Senate Democratic leaders were quick to criticize the House proposals, without ruling out funding cuts. National Journal Daily reports that Senate Majority Leader Harry Reid (D-NV) said, “Our goal and our charge aren’t to cut billions of dollars just to say we did it. We need to think about what we’re cutting, and make sure those cuts aren’t counterproductive. We need to pay attention to the quality of these cuts, not just the quantity.”

**ORIGINAL HOUSE FY11 BUDGET PLAN TREATED RESEARCH AGENCIES DIFFERENTIALLY UPDATED**

Although the next version of House Republicans’ FY11 budget plan is expected to include additional cuts in many programs, the earlier plan included a mix of funding levels for the major research agencies.

Following up the FY11 budget materials released on February 3 by the House Republican leadership, Appropriations Committee Chairman Hal Rogers (R-KY) on February 9 released a “partial” list of program cuts that included funding reductions for several research agencies. However, the amounts of the cuts were based on the President’s FY11 budget requests and not on current funding—which is at FY10 levels—so some of the cited agency budgets would actually be level-funded or even increased. No specific cuts to education programs were included in the Chairman’s preliminary list.

The research agencies affected include the following (NOTE: “current funding” and “FY10 funding” are the same here):

- **The National Institutes of Health** is listed with a cut of $1 billion from the President’s FY11 request, but this would actually hold NIH at its current funding level of $31 billion, because the President proposed a $1 billion increase for FY11.

- **The National Science Foundation** would be cut by $139 million from the President’s FY11 request of $7.424 billion. Because the President’s FY11 request was $552 million above the FY10 level of $6.87 billion, the House figure would actually provide NSF an increase of $413 million above the current funding level of $6.87 billion.

- **The Department of Energy Office of Science** would be cut by $1.1 billion from the President’s FY11 request of $5.12 billion. This actually would be a significant reduction—$883 million from the current funding level of $4.90 billion.
The **NASA** budget would be cut by $379 million from the President’s FY11 request of $19 billion. This would be a cut of $103 million from current funding of $18.7 billion. It is unclear if the proposed reduction would affect NASA-funded university research.

The **National Endowment for the Humanities** would be cut by $6 million below the President’s budget. However, because the President’s FY11 budget already included a $6.2 million cut for NEH, the House FY11 reduction would reduce current funding of $168 million by $12.2 million.

Other research agencies and programs that would see cuts from the President’s FY11 request include: Nuclear Energy (-$169 million), Fossil Energy Research (-$31 million), the National Oceanic and Atmospheric Administration (-$336 million), the National Institute of Standards and Technology (-$186 million), and Agriculture Research (-$246 million).

**WHITE HOUSE WILL RELEASE FY12 BUDGET PLAN ON MONDAY**  

The White House will release the President’s FY12 budget plan on Monday, February 14. AAU will provide summaries and analyses of the federal agency and program budgets that it follows.

**EXECUTIVE BRANCH**

**HHS RELEASES PROPOSED REGULATIONS FOR STUDENT HEALTH PLANS**  

The Department of Health and Human Services (HHS) today published in the Federal Register proposed regulations on student health plans under the Affordable Care Act (ACA). HHS issued the proposed regulations preliminarily on February 9, along with a press release and fact sheet. The American Council on Education (ACE) has prepared a summary of the major provisions in the proposed regulations.

AAU is working with ACE and other associations to analyze the proposed regulations and craft comments. The deadline for submissions is Tuesday, April 12, 2011.

The American College Health Association on February 9 issued a statement expressing appreciation to federal officials for their “thoughtful and deliberative work.” The association statement added, “We are pleased that the Proposed Rule maintains a specific category of ‘student health insurance coverage’ as a type of individual health insurance coverage with a specific set of guidelines for satisfying ACA requirements that will enable colleges and universities to continue offering high quality student health plans in full compliance with ACA.”

**AAU, APLU URGE NIH TO CONTINUE TO SUPPORT INFRASTRUCTURE IN REORGANIZATION**  

AAU and the Association of Public and Land-grant Universities (APLU) sent a letter to National Institutes of Health (NIH) Director Francis Collins today urging that NIH sustain support for research infrastructure as it moves to reorganize certain NIH activities.
The letter applauds the agency’s goal of accelerating the translation of research results into medical advances and notes that the agency has proposed to establish a new National Center for Advancing Translational Science and to eliminate the National Center for Research Resources (NCRR).

“As this reorganization moves forward, AAU and APLU urge NIH to ensure continued support of the critical infrastructure currently supported by NCRR,” says the letter. “Shared research resources should be recognized as a crucial component of NIH’s basic and translational research mission and an integral part of biomedical research, particularly as the life sciences move into an era of unprecedented large-scale projects and multidisciplinary research.”

The associations suggest that following final reorganization decisions and an appropriate amount of time, NIH revisit the infrastructure programs “to evaluate the impact of their movement out of a dedicated research resource center.”

ASSOCIATIONS COMMENT ON PROPOSED CHANGES IN EXPORT CONTROLS

Four associations, including AAU, submitted comments to the Departments of Commerce and State on February 7 regarding proposed changes in export control rules.

The comment letter, submitted by the American Association for the Advancement of Science, AAU, the Association of Public and Land-grant Universities, and the Council on Governmental Relations, expressed support for the Administration’s goal of clarifying the export licensing process through the use of “tiered positive control lists.” The associations also supported drawing jurisdictional bright lines that make clear which federal agency has control over which export items, and aligning the structures of the two departments’ control lists. “These reforms, if implemented appropriately, will facilitate compliance while reducing the cost and the regulatory burden imposed on exporters,” they wrote.

The letter also suggested that because the U.S. scientific community generally believes that current control lists are not sufficiently dynamic to capture the rapid pace of technological change, the revised control lists should be “subject to continuous review and revision.” As a means of better soliciting advice from the U.S. science and technology community, the two departments should “discuss mechanisms for continuous review with their respective S&T advisory committees.” The letter reiterated the importance of the fundamental research exclusion. “The conduct of open, publishable non-proprietary fundamental research is not and should not be subject to export controls,” the associations wrote. “It is critical that this be recognized as the reform initiative proceeds.”

NEH CHAIRMAN DISCUSSES “A LOOMING CRISIS IN THE HUMANITIES”  NEW

National Endowment for the Humanities (NEH) chairman Jim Leach said in a speech to the College Art Association on February 9 that his agency recognizes the case for trimming federal spending, but is deeply concerned at proposals to totally eliminate federal cultural institutions like NEH and the National Endowment for the Arts. “Constraining funding may be
“unavoidable,” he said, “but abolishing institutions central to advancing human understanding and creativity is counter to the national interest.”

The Chairman said the case for sustaining NEH and NEA goes beyond the value of enriching the human spirit, to national security, business, and cultural benefits. These include enabling policymakers to better understand nations and cultures before we intervene in their conflicts; helping ensure that business people aspiring to new markets understand the values and culture of their prospective customers; and broadening public access to advances in knowledge and to the nation’s rich cultural heritage through support of cultural and historical projects and programs.

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