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CONTENTS
CONGRESSIONAL SCHEDULE  NEW
BUDGET & APPROPRIATIONS
Budget Negotiations on Hold  NEW
House Postpones Final Vote on FY12 Defense Funding Bill  NEW
--House Defense Funding Bill Would Cut Minerva Program
CNSF Issues FY12 Funding Request for National Science Foundation
OTHER CONGRESSIONAL ISSUES
House Approves Patent Reform Bill  NEW
Associations Oppose Bill to Make Permanent ARRA Reporting on Research Grants
Video and Related Materials Available from Capitol Hill Humanities Briefing
EXECUTIVE BRANCH
President Announces Government-University-Industry Manufacturing Initiative  NEW
Major Regulatory Reforms in Biomedical Research Coming Soon

CONGRESSIONAL SCHEDULE  NEW

The House met today to consider two measures related to military action in Libya and a short-­term extension of the Federal Aviation Administration authorization.

The Senate did not meet today and will be out of session next week. The chamber will reconvene on Monday, June 27.

BUDGET & APPROPRIATIONS

BUDGET NEGOTIATIONS ON HOLD  NEW

Negotiations on a short-term deficit reduction package broke down this week when House Majority Leader Eric Cantor (R-VA) pulled out of the bipartisan talks that have been convened over the past several weeks by Vice President Joe Biden. He was soon followed by Senator Jon Kyl (R-AZ). Rep. Cantor said negotiators had reached an impasse over taxes, and he called on the President and House Speaker John Boehner (R-OH) to take over the negotiations. National Journal reports that Senate Majority Leader Harry Reid (D-NV) agreed with that assessment, telling reporters, “I think it’s in the hands of the Speaker and the President, and sadly, probably me.”

Meanwhile, the House continued work on its FY12 funding bills, with Appropriations Committee approval on June 23 of its fourth out of 12 bills, Financial Services and General
Government. The full House has passed the Military Construction-Veterans, Agriculture, and Homeland Security bills. The chamber began debate on the Defense appropriations bill (see item below), but postponed further consideration until the week of July 11.

In the Senate, appropriators have decided to move ahead on their FY12 funding bills despite not having a top-line discretionary spending number from an approved FY12 budget resolution. The first of the Senate funding bills, Military Construction-Veterans, will be marked up in subcommittee on June 28. Committee Chairman Daniel Inouye (D-HI) told CQ.com, “We would prefer to have a bipartisan budget resolution pass the Senate, but that has not happened thus far and so the committee will proceed to the extent that we can without one.” The publication adds that the Senate appropriations subcommittees have been working on their bills “behind the scenes,” so they can move quickly once an overall discretionary spending figure is in place.

**HOUSE POSTPONES FINAL VOTE ON FY12 DEFENSE FUNDING BILL**  
NEW

The House debated the FY12 Defense appropriations bill (H.R. 2219) on June 23, but postponed final action on the measure. As discussed previously, the bill would increase funding for Defense 6.1 basic research above both the FY11 level and the Administration’s FY12 request.

The measure would provide $2.099 billion for 6.1 basic research, which is $151.4 million, or 7.8 percent, above the FY11 estimated level of $1.947 billion, and $20 million, or 1.0 percent, above the Administration's request of about $2.079 billion.

AAU has prepared a more detailed breakout of the Defense appropriations levels for accounts of interest to research universities, including the University Research Initiative accounts.

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**House Defense Funding Bill Would Cut Minerva Program**

The FY12 Defense funding bill includes an estimated $151 million increase for 6.1 basic research, but it effectively cuts funding for the Minerva Initiative. The measure would cut $5 million from the Pentagon’s request for Defense-wide Basic Research Initiatives. This is the budget line where the Minerva Initiative is funded. (See page 244 of the House Appropriations Committee report.) Since about $12 million of the Pentagon’s $14.7 million request for this budget line goes to Minerva, the program would likely absorb most of the $5 million cut, providing far fewer new awards in FY12.

The Minerva Initiative was begun in 2008 by Secretary of Defense Robert Gates to support unclassified university research that would improve national security by expanding knowledge of cultures and societies around the world, including those hostile to the United States. The program supports interdisciplinary and cross-institutional projects that address specific topic areas determined by the Secretary, as well as Minerva Chairs at select military education schools.

**CNSF ISSUES FY12 FUNDING REQUEST FOR NATIONAL SCIENCE FOUNDATION**

The Coalition for National Science Funding (CNSF), in which AAU participates, has issued a statement recommending an FY12 budget for the National Science Foundation (NSF) of $7.767 billion. This is the same as the Administration’s FY12 request and consistent with the authorization level approved through the America COMPETES Act (P.L. 111-358).
The statement says, “As discussions on FY 2012 appropriations begin, we encourage Members of Congress to make continued federal funding for NSF a priority. Robust federal support for NSF, the cornerstone of America’s research enterprise, is absolutely critical to the nation’s economic health and global competitiveness.”

**OTHER CONGRESSIONAL ISSUES**

**HOUSE APPROVES PATENT REFORM BILL**  **NEW**

The House late yesterday approved H.R. 1249, the Leahy-Smith America Invents Act, marking an important step toward enactment of patent reform. The vote was 304 to 117.

The six higher education associations that have been working together on patent reform, including AAU, issued a statement applauding the House action. The statement said, “This bipartisan legislation represents a thorough, balanced effort to bring the U.S. patent system into the 21st century so that it can support more effectively America’s economic competitiveness and job creation in the increasingly competitive global economic environment.”

The next step in the process is Senate consideration. Senator Judiciary Committee Chairman Patrick Leahy (D-VT) issued a statement supporting the bill, noting that although H.R. 1249 differs slightly from the Senate-passed measure, “the core reforms are consistent.” He urged his colleagues to “come together and approve this bill once again, and send it to the President’s desk to be signed into law.” However, Senator Tom Coburn (R-OK), who authored the Senate amendment creating the revolving fund for the U.S. Patent and Trademark Office (USPTO) that has been replaced in H.R. 1249, also issued a statement opposing the House funding provision. It remains unclear what impact this development will have on passage of the legislation into law.

**ASSOCIATIONS OPPOSE BILL TO MAKE PERMANENT ARRA REPORTING ON RESEARCH GRANTS**

AAU, the Association of Public and Land-grant Universities, and the Council on Governmental Relations issued a joint statement on June 21 opposing H.R. 2146, the Digital Accountability and Transparency Act, which would perpetuate the extensive reporting requirements of the American Recovery and Reinvestment Act (ARRA).

The bill, introduced by House Oversight and Government Reform Committee Chairman Darrell Issa (R-CA), was approved on June 22 in committee, with amendments, by a unanimous vote. Senator Mark Warner (D-VA) has introduced companion legislation in the Senate which, The Hill reports, “is expected to garner similar bipartisan support.”

The associations’ statement said:

“The Recovery Act imposed substantial added paperwork and other administrative burdens on scientists and administrators, with little evidence that they produced significant and useful information for the public or policymakers. The time and resources expended could have been devoted to actual research and education. Yet H.R. 2146 seeks to perpetuate these additional requirements.
“In fact, preliminary data being collected by the Federal Demonstration Partnership suggests that the paperwork and other administrative costs of the Recovery Act reporting requirements for just under 100 research institutions alone were $87 million, or about $7,900 per research award. If these costs are extended throughout the entire federal research enterprise, they could amount to hundreds of millions of dollars each year.”

VIDEO AND RELATED MATERIALS AVAILABLE FROM CAPITOL HILL HUMANITIES BRIEFING

Video and background materials are now available for the Capitol Hill humanities briefing held May 19 that examined how cultural understanding can help address national security and other global challenges. The videos are available in condensed and long versions.

The session was hosted by AAU and the National Humanities Alliance, in cooperation with the Congressional Humanities Caucus. National Endowment for the Humanities Chairman Jim Leach provided opening remarks; the discussion was moderated by Cornell University President David Skorton.

EXECUTIVE BRANCH

PRESIDENT ANNOUNCES GOVERNMENT-INDUSTRY-UNIVERSITY MANUFACTURING INITIATIVE

In a speech this morning at Carnegie Mellon University in Pittsburgh, President Obama announced formation of the “Advanced Research Partnership (ACP), an initiative to bring together federal agencies, companies, and universities to accelerate research and development on emerging technologies to improve U.S. manufacturing.

The steering committee guiding ACP is co-chaired by Susan Hockfield, president of the Massachusetts Institute of Technology, and Andrew Liveris, president and CEO of Dow Chemical. Other participating universities are Carnegie Mellon University, Georgia Institute of Technology, Stanford University, the University of California, Berkeley, and the University of Michigan. The Administration hopes to attract additional universities with expertise on manufacturing technologies and issues to participate in and help shape the initiative as it develops.

The President’s speech is posted on the White House website. Additional information about the initiative is available from the Office of Science and Technology Policy (OSTP). That link includes a press release and the new report from the President’s Council of Advisors on Science and Technology, “Ensuring Leadership in Advanced Manufacturing,” which prompted creation of the new initiative. OSTP will be a continuing source of information on the initiative, and will work with the involved federal agencies to provide further information and outreach in coming weeks.

MAJOR REGULATORY REFORMS IN BIOMEDICAL RESEARCH COMING SOON

Campuses will want to begin preparing for major reforms that are on the horizon for the regulation of biomedical research. As mentioned in last week’s CFR Update, the Federal
Experts Security Advisory Panel (FESAP) recently issued a series of recommendations on the select agents program, which will be incorporated into a revision of the select agent regulations expected in the fall of 2011. These recommendations include tiering of the select agents list, as well as proposals for new standards in personnel reliability and facility security. These proposals could have significant effects, both positive and negative, for campuses working with select agents.

The Department of Health and Human Services has issued a “pre-rule” titled, “Human Subjects Research Protections: Enhancing Protections for Research Subjects and Reducing Burden, Delay, and Ambiguity for Investigators,” which is a heads-up on future regulatory activity. In fact, this is likely the first step in an overall review of federal policy for the protection of human subjects, called the Common Rule, which the Administration has been discussing for some time.

In addition, the National Institutes of Health (NIH) has issued a notice regarding its consideration of comments on the adoption and implementation of the revised Guide for the Care and Use of Laboratory Animals, Eighth Edition. NIH officials have not indicated a timeline for analyzing the comments they have received, including the comments submitted jointly by AAU, the Council on Governmental Relations, and the Association of American Medical Colleges. The notice does say that future “position statements” related to the Guide will have a 60-day public comment period and that until that time, institutions will continue to base their care assurance activities on the seventh edition of the Guide. However, accreditation of laboratory animal care facilities by the international accrediting association (AAALACI) will be based on the newly revised Guide beginning in September, 2011.

Finally, the Office of Management and Budget announced on June 9 that its review of pending regulations on conflicts of interest related to NIH-funded research has been delayed indefinitely. Last August, a group of higher education associations, including AAU, submitted comments to NIH on the agency’s notice of proposed rulemaking on conflict of interest. The associations’ letter said that the notice in many cases appropriately established the balance between disclosure that benefits the public’s interest and the cumulative regulatory burden, but asked that NIH consider ways to mitigate those burdens on institutions and investigators. The four organizations also identified specific areas where the proposed notice could be “improved, clarified, or made more effective.”

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