CONGRESSIONAL SCHEDULE  NEW

The House met today in pro forma session and will meet periodically in pro forma session through the August recess.

Like the House, the Senate will meet periodically in pro forma session during the recess. When the Senate resumes legislative business on Tuesday, September 6, the chamber will take up a federal nomination, to be followed by a cloture vote on the House-passed patent reform bill, the America Invents Act (H.R. 1249).

EXECUTIVE BRANCH

NIH RELEASES CONFLICT OF INTEREST RULE

The National Institutes of Health (NIH) released its final conflict of interest rule on August 23. AAU issued a statement about the new rule late that day which notes that while the association is still analyzing the final rule, “it is clear that the process has been thoughtful and that the agency has taken considerable time and effort to respond to the views and concerns of the biomedical research community.”

The statement expresses appreciation for NIH providing institutional flexibility in public disclosure of financial conflicts of interest, and says the association will work with the agency and its member institutions “to develop and refine practices that enhance public trust in the research enterprise by providing appropriate and accurate information in a useful context.”

Recognizing the obligation of institutions receiving federal research funds to ensure that the resulting research remains objective and unbiased, the statement concludes:

“As our institutions work with NIH in implementing the new rule, we will encourage the agency to further examine the proper balance between disclosure and reporting and the need both to minimize unnecessary regulatory burdens and to foster and promote
the university-industry partnerships that are critical to translating new ideas into the drugs, diagnostics, and cures needed to advance the public health.”

**WHITE HOUSE RELEASES AGENCY REGULATORY REFORM PLANS**

In response to a government-wide initiative to review and reform existing federal regulations, the White House on August 23 released the preliminary regulatory reform plans of more than two dozen federal agencies, including the Departments of Energy and Health and Human Services, and NASA. The announcement was made by Cass Sunstein, administrator of the White House Office of Information and Regulatory Affairs (OIRA), who said in an August 23 opinion piece in the *Wall Street Journal* that the goal of the initiative is to “reduce costs, simplify the system, and eliminate redundancy and inconsistency.”

The White House initiative is consistent with AAU’s efforts to promote regulatory reform. The association discussed such potential reforms in comments submitted to the National Research Council Committee on Research Universities in collaboration with the Association of Public and Land-grant Universities and the Council on Governmental Relations.

**DOD EXTENDS COMMENT DEADLINE ON DFAR RULE FOR SAFEGUARDING UNCLASSIFIED INFORMATION**

The Department of Defense (DOD) has extended the deadline for comments on the agency’s proposed rule on safeguarding unclassified DOD information under the Defense Acquisitions Regulations System (DFARS). The new deadline is November 30, 2011.

As discussed previously, AAU and the Council on Governmental Relations submitted comments on the proposed rule on August 16. Universities may wish to submit their own comments.

The AAU-COGR comment letter expresses appreciation to the Department for its responsiveness to concerns raised previously by the two associations regarding proposed DFAR rules, particularly for the added clarity in the revised definition of fundamental research. However, the letter also proposes language to clarify that the research performer and contracting office should determine if a project is fundamental research, not the prime contractor.

Additionally, the letter expresses concern that the Enhanced Safeguarding Clause in the proposed rule could end up requiring universities to use separate, highly restricted computer systems and networks for work associated with DOD contracts. Such systems are typically used for classified research, not for unclassified work done at the nation’s universities. The two associations urge the Department to review the appropriateness of applying increased controls, particularly since government-wide guidance is pending.

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