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CONGRESSIONAL SCHEDULE  NEW

The House met today and approved legislation (H.R. 2273) aimed at preventing the Environmental Protection Agency from designating coal ash as a hazardous waste. The chamber will be out of session next week and will return on Monday, October 24.

The Senate did not meet today. When the chamber reconvenes on Monday, October 17, it will begin consideration of the three-bill FY12 appropriations package (H.R. 2112) (see item below) and a judicial nomination.

BUDGET & APPROPRIATIONS

SENATE TO TAKE UP THREE FY12 FUNDING BILLS AS A PACKAGE  UPDATED

Senate Majority Leader Harry Reid (D-NV) last Wednesday announced his intention to take three FY12 appropriations bills to the Senate floor the next day as a single legislative package, but consideration has been postponed to Monday, October 17. Senator Reid still holds the goal of completing action on the package, dubbed a “minibus,” by the end of next week, in advance of the scheduled Senate recess the week of October 24. This effort is supported by Senate Minority Leader Mitch McConnell (R-KY).

CQ Today reports that House Republican leaders are “somewhat reluctantly signing on to the bipartisan Senate strategy” of trying to move several minibus appropriations packages over the next few months rather than trying to negotiate one omnibus bill that incorporates all or most of the FY12 funding bills. Like their Senate counterparts, they have concluded that “assembling three or four packages combining contentious bills with politically popular ones” will be a
smoother process than spending weeks in behind-the-scenes negotiations on a single omnibus package, writes the publication.

The three bills in the Senate package are Agriculture (H.R. 2112), Transportation-Housing (S. 1596), and Commerce-Justice-Science (H.R. 2596), the last of which includes funding for the National Science Foundation and NASA. CQToday reported last week that the three measures were chosen because they were reported from the Senate Appropriations Committee with strong bipartisan support.

Senator Reid said that the three-bill package would be divided in a way that would allow Senators to offer amendments to the various components. He indicated that he was working on another package of FY12 appropriations bills but did not say which of the remaining measures would be included.

The Senate so far has approved the FY12 Military Construction-Veterans appropriations bill. The Appropriations Committee has reported out 11 of its FY12 bills, with only the Interior and Related Agencies bill still to be considered. The House has approved six FY12 funding bills.

ORGANIZATIONS URGE APPROPRIATORS NOT TO LOWER NIH SALARY CAP

A group of 72 organizations and individual institutions, including AAU, sent a letter to House and Senate appropriators on October 11 urging them to oppose a provision in the House draft FY12 Labor-HHS-Education funding bill that would reduce the cap on extramural salaries at the National Institutes of Health (NIH). The House proposal would lower the cap from Executive Level I ($199,700) to Executive Level III ($165,300).

The letter, initiated by the Association of American Medical Colleges, expresses concern that lowering the salary cap would reduce institutions’ ability to attract and retain the best investigators. Citing the interests of the nation’s long-term health and research competitiveness, the letter says it is essential that policymakers not create disincentives for research careers and that they adopt “policies to ensure that America retains the most talented, productive, and diverse group of biomedical and behavioral researchers.”

CRS REPORT DETAILS EFFECTS OF BUDGET CONTROL ACT

The Congressional Research Service (CRS) has published a new report, “The Budget Control Act of 2011: Effects on Spending Levels and the Budget Deficit.” As described in the document,

“This report focuses on how the BCA will affect spending and the budget deficit through the ‘first round’ effects, related to discretionary spending caps and student loan provisions, and the ‘second round’ effects of additional deficit reduction, related to the work of the Joint Committee.

The report also examines short and long run effects of deficit reduction on the economy. The Appendix compares the BCA to past deficit-reduction legislation.”

Additional analysis of the BCA is available in two documents from the Congressional Budget Office (CBO): a report on the effects of the budget sequestration that will be imposed if Congress is unable to approve a 10-year deficit-reduction package of at least $1.2
trillion, and the testimony of CBO Director Douglas Elmendorf before the Joint Select Committee on Deficit Reduction on confronting the nation’s fiscal policy challenges.

**HOUSE SUBCOMMITTEE CHAIRMAN ASKS IRS FOR INFORMATION ON TAX-EXEMPT ORGANIZATIONS**

The chairman of the House Ways and Means Oversight Subcommittee sent a letter to IRS Commissioner Douglas Shulman on October 6 asking a series of questions about tax-exempt organizations. He also issued a press release describing the request.

In the letter, subcommittee Chairman Charles Boustany (R-LA) requested answers by October 20 in five areas: 1) overview of the tax-exempt sector; 2) compliance; 3) unrelated business income (UBIT); 4) audits; and 5) current tax-exempt enforcement initiatives.

Under the section on current tax-exempt enforcement initiatives, the letter includes questions about the ongoing IRS college and universities compliance project and the timing of the final report (the interim report can be found here). The section also includes questions related to the community benefit requirement affecting nonprofit hospitals.

**EXECUTIVE BRANCH**

**PRESIDENT’S JOB COUNCIL INCLUDES TECHNOLOGY TRANSFER PROVISION IN RECOMMENDATIONS**

The President’s Council on Jobs and Competition has released an interim report that includes a technology transfer provision championed by the Kauffman Foundation that would allow university faculty to use technology transfer offices outside of their home institutions to commercialize their discoveries. AAU and other groups oppose such a provision because they believe it is unworkable and would undermine, not improve, the effectiveness of university technology transfer offices.

The language on page 22 of the interim report says:

“Commercialization: Allow university faculty to shop discoveries to any technology transfer office. America’s colleges and universities, funded with federal dollars, have produced many of the great breakthroughs in clean energy, information technology, biotechnology and nanotechnology that have led to new industries and jobs across the country. However, all too often potentially groundbreaking research that could find market success lingers in university labs. The Council recommends allowing research that is funded with federal dollars to be presented to any university technology transfer office (not just the ones in which the research has taken place) . . .”

The Council is a group of corporate CEOs and others that was created by the White House to provide nonpartisan advice to the President on ways to strengthen the economy and ensure national competitiveness.

**OSTP SOLICITS IDEAS FOR DEVELOPMENT OF A NATIONAL “BIOECONOMY” BLUEPRINT**
The Office of Science and Technology Policy (OSTP) issued a Request for Information (RFI) on October 11 soliciting recommendations for “Building a 21st Century Bioeconomy,” an initiative aimed at “harnessing biological research innovations to meet national challenges in health, food, energy, and the environment while creating high-wage, high-skill jobs.” Responses to the RFI, which are due on Tuesday, December 6, will be used to build a National Bioscience Blueprint.

As described in the Federal Register notice, the Blueprint “will identify strategies to meet grand challenges, promote commercialization and entrepreneurship, focus research and development investments in areas that will provide the foundation for the bioeconomy, expand workforce training to prepare the next generation of scientists and engineers for the bioeconomy jobs of the future, identify regulatory reforms that will reduce unnecessary burdens on innovators while protecting health and safety, and describe appropriate public-private partnerships to accelerate innovation in key areas.” All of these topics are reflected in the questions in the RFI.

FEDERAL AGENCIES ISSUE PROPOSED RULE ON SELECT AGENTS NEW

The Departments of Health and Human Services (HHS) and Agriculture (USDA) released a proposed rule for comment on October 3 that would revise the regulations governing possession and use of biological select agents and toxins. Comments are due on December 2.

The proposed changes largely mirror the recommendations made earlier this year by the Federal Experts Security Advisory Panel, an interagency group assembled under an Executive Order of the President to re-examine the U.S. select agent program.

Among other changes, the proposed rule would create tiers in the select agent list of pathogens and toxins to differentiate the most dangerous agents; establish new minimum personnel and physical security requirements for Tier 1 agents; move agents to and from the list; change definitions related to screening of individuals working with select agents; and create additional training requirements. The proposed rule also suggests reducing from five years to three years the time that a security risk assessment for working with select agents is valid.

End of document

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