December 9, 2011

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CONGRESSIONAL SCHEDULE  NEW

Congress was out of session today as the White House and House and Senate negotiators continue their behind-the-scenes efforts to work out year-end deals on FY12 appropriations and the extension of several policy and tax provisions. Both chambers hope to adjourn for the holidays by next Friday, December 16, but reaching final agreements on key legislation—or punting decisions into the new year—may keep them in town longer.

BUDGET & APPROPRIATIONS

NEGOITIATORS CONTINUE WORK ON FY12 OMNIBUS FUNDING PACKAGE  NEW

House and Senate appropriators will work over the weekend to craft a year-end spending package that incorporates the remaining nine FY12 spending bills. Conferees met formally on Thursday to discuss the package, which CQ.com reports will be added to the FY12 Military Construction-Veterans appropriations bill (H.R. 2055). Conferees hope to have a final conference agreement on December 12 or 13 for the House and Senate to consider. The continuing resolution (CR) that is sustaining spending for programs funded in the nine bills will expire next Friday, December 16.

Rep. Norm Dicks (D-WA), ranking Democrat on the House Appropriations Committee, said he expected a “reasonable outcome” from the negotiations, but he noted that a number of outstanding issues remain on the Labor-HHS-Education, Interior-Environment, and Financial Services bills. CQ.com reports that Mr. Dicks and other Democratic appropriators have said these three bills might have their current funding extended in a full-year continuing resolution
that would be attached to the omnibus measure. A CR for these bills, they say, would prevent Republicans from securing policy riders on the bills that would change federal policies on health care, the environment, and financial regulation.

GROUPS URGE DEFENSE AUTHORIZATION CONFEREES TO STRIKE SENATE SBIR/STTR AMENDMENT  NEW

A group of 47 associations, scientific societies, and institutions, including AAU, today sent a letter to conferees on the National Defense Authorization Act (S. 1867) urging them to remove the small business reauthorization bill that was added to the measure on the Senate floor. The letter notes that House-Senate negotiations on the small business bill are currently underway and says that the Defense authorization bill is an inappropriate vehicle for reauthorizing these programs.

AAU opposes the Senate version of the Small Business Innovative Research/Small Business Technology Transfer (SBIR/STTR) bill (S. 493) because it would increase the small business set-aside in the research budgets of the major federal research agencies at a time when agency budgets already are constrained. AAU supports the House version of the bill (H.R. 1425), which does not include the increase in the set-aside.

Conferees on the Defense authorization bill are expected to complete their work early next week.

EXECUTIVE BRANCH

AAU COMMENTS ON OSTP BIOECONOMY BLUEPRINT

AAU submitted comments on December 6 in response to the Office of Science and Technology Policy's (OSTP) Request for Information (RFI) on development of a Bioeconomy Blueprint. The goal of the Blueprint is to delineate "Administration-wide steps to harness biological research innovations to address national challenges in health, food, energy, and the environment."

The RFI posed questions on a wide range of issues, from workforce and training to fostering innovation and commercialization, and on such specific issues as the Small Business Innovation Research (SBIR) program. AAU noted in its comments that "many of the issues identified have been of longstanding interest to AAU and our member institutions" and urged OSTP also to give serious consideration to comments submitted by AAU member institutions. The AAU comments reiterated the association’s established positions on regulatory burden, the importance of research infrastructure, and the need for support of proof-of-concept research. OSTP is expected to unveil the Bioeconomy Blueprint by the end of January 2012.

OTHER

COURT OF APPEALS ANNOUNCES SCHEDULE FOR EMBRYONIC STEM CELL CASE  NEW

The U.S. Court of Appeals for the District of Columbia has released a new schedule for briefs due in Sherley v. Sebellius, the ongoing case over the Obama Administration’s guidelines for federal funding of human embryonic stem cell research.
The research community won a victory this summer when U.S. District Court Judge Royce Lamberth found in favor of the federal government, allowing NIH funding of human embryonic stem cell research to continue. The plaintiffs, two adult stem cell researchers, appealed that ruling in September. The Appellate Court has outlined a series of deadlines, with final briefs due on March 12 and oral arguments to be held on April 23, 2012. A ruling is not expected until the end of 2012 or possibly 2013.

The Coalition for the Advancement of Medical Research, in which AAU participates, plans to again file an amicus brief in the case.

ASSOCIATIONS WEIGH IN ON UNIVERSITY MINNESOTA FREE-SPEECH LAWSUIT  NEW

A group of five higher education associations, including AAU, filed an amicus brief December 7 in Tatro v. the University of Minnesota. The legal case deals with the University’s right to discipline students who violate academic codes of conduct and professional ethics.

The case centers on Amanda Tatro, a student in the University of Minnesota’s mortuary science program who used her Facebook page to issue threats to use mortuary tools to harm others and claimed to have taken hair from a cadaver. The posts upset and frightened other students and professors. After Ms. Tatro was disciplined, but not expelled, she sued the University for infringing her right to free speech. The University won the case in the lower courts, but Ms. Tatro has appealed to the Minnesota Supreme Court.

The higher education associations’ amicus brief, led by the American Council on Education, focuses on the threatening nature of Ms. Tatro’s Facebook posts—which violated student codes of conduct—and highlights the value of the University’s interest in teaching professional ethics in mortuary science.

Along with ACE and AAU, the associations participating in the amicus brief are the Association of American Medical Colleges, the Association of Public and Land-grant Universities, and the American Association of State Colleges and Universities.

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