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CONGRESSIONAL SCHEDULE   NEW

The Senate met today to continue consideration of the surface transportation reauthorization bill (S. 1813), with no roll call votes. The House did not meet.

Both chambers will return to session on Monday, March 5. No legislative program has been announced for the House; the Senate on Tuesday, March 6, will consider two judicial appointments and resume consideration of S. 1813.

BUDGET AND APPROPRIATIONS

HOUSE FY13 BUDGET MAY INCLUDE LOWER SPENDING CAP   NEW

The Budget Control Act (BCA) approved last August set the FY13 discretionary spending level at $1.047 trillion, or $4 billion above the FY12 level. This figure was agreed to by the bipartisan leadership of both houses of Congress, but the House Budget Committee may try to approve a lower figure as part of its FY13 budget resolution.

House Republican leaders are being pressured by some conservative Members to lower the spending cap, possibly to the $1.028 trillion in last year’s House budget resolution or even lower,
House Budget Committee Chairman Paul Ryan (R-WI) is expected to release his proposed budget resolution the third week of March.

Meanwhile, Senate Democratic leaders do not plan to move an FY13 budget resolution on the Senate floor, in part because the BCA has already set a discretionary spending level for FY13. CQ.com reports that both Democratic and Republican Senate leaders favor sticking with the BCA figure.

**CONGRESSIONAL APPROPRIATORS HOPE TO MOVE FY13 BILLS SOON**

If House leaders decide to move an FY13 budget resolution with discretionary spending below the BCA level, they could undermine the FY13 appropriations process, according to *Roll Call*. A lower discretionary spending total would leave appropriators “with unrealistic numbers” and “could doom any spending bills to failure on the House floor.” In addition, House Appropriations Committee Democrats say they do not intend to help pass any appropriations bills based on a level below the BCA number.

The publication reports that House appropriators have set a goal of approving their FY13 funding bills by the middle of the year, with the hope of passing them before the election puts a stop to any legislative momentum. Likewise, Senate Majority Leader Harry Reid (D-NV) and Minority Leader Mitch McConnell (R-KY) took to the Senate floor on February 28 to encourage quick action on the FY13 spending bills, writes *CQ.com*. Senator Reid said Senate floor consideration of the FY13 appropriations bills could begin as early as April.

**AFRI COALITION LETTER ENDORSES ADMINISTRATION’S FY13 BUDGET REQUEST**

The AFRI Coalition, in which AAU participates, has written to members of the House and Senate Appropriations Committees urging them to fund the Agriculture and Food Research Initiative (AFRI) in FY13 at the President’s requested level of $325 million.

AFRI is the premier competitive grants program for fundamental and applied research, extension, and education in the U.S. Department of Agriculture. As noted in the Coalition’s letter, the program “supports research in critical issue areas including: food safety and security; agricultural economics and rural communities; plant and animal health, production, and products; nutrition; agricultural systems and technology; and energy, natural resources and the environment.” The letter adds that every federal dollar spent on agricultural research generates $20 or more in the U.S. economy.

**OTHER CONGRESSIONAL ISSUES**

**HOUSE VOTES TO REPEAL CREDIT HOUR AND STATE AUTHORIZATION REGULATIONS**

The House of Representatives on February 28 approved legislation ([H.R. 2117](https://www.congress.gov/bill/116th-congress/house-bill/2117)) that would repeal Department of Education regulations on state authorization and credit hour. Sixty-nine
Democrats joined all Republicans in the 303-114 vote on the Protecting Academic Freedom in Higher Education Act, Inside Higher Ed reports. The companion bill in the Senate (S. 1297) is not expected to make progress in that chamber, reports CQ.com, because Senate Health, Education, Labor, and Pensions Committee Chairman Tom Harkin (D-IA) and Majority Whip Richard Durbin (D-IL) “have been staunch supporters of the administration’s efforts to curb the for-profit education industry.” The White House issued a statement on February 27 expressing strong opposition to the bill.

H.R. 2117, introduced by Rep. Virginia Foxx (R-VA), would repeal the state authorization regulation, which significantly expands federal requirements for an institution to operate legally within a state. The rule, for example, forces institutions that offer distance education programs to meet state requirements in every state in which they have a distance education student. In response to concerns raised by the higher education community, the Department of Education announced in April 2011 that it would take a “limited enforcement approach” over the next three years on the distance learning portion of this rule.

H.R. 2117 also would repeal the new federal definition of credit hour—which institutions are concerned could open the door to federal interference in core academic decisions related to curriculum—and would prohibit the Secretary of Education from establishing a regulation about credit hour in the future.

--Higher Education Associations’ Letter Urged Approval of H.R. 2117

A group of 98 higher education associations, including AAU, sent a letter to all Members of the House on February 27 urging them to vote in favor of H.R. 2117. The measure, as noted above, would repeal the Department of Education’s (ED) regulations on credit hour and state authorization.

The letter notes that the two regulations were part of a “larger attempt by ED to curb abuse and bring greater integrity to the federal student aid programs.” The letter adds, “These efforts are laudable, and many portions of the regulatory package ED produced will be effective in achieving their intended goals. However, given the almost total lack of evidence of a problem in the context of credit hour or state authorization, these two portions of the package miss the mark. We see no justification for two regulations that so fundamentally alter the relationships among the federal government, states, accreditors and institutions.”

SPONSORS PULL BACK RESEARCH WORKS ACT

The House sponsors of the Research Works Act (H.R. 3699) announced on February 27 that they would no longer try to move the bill. The announcement by House Oversight and Government Reform Committee Chair Darrell Issa (R-CA) and Committee member Carolyn Maloney (D-NY) came a few hours after Elsevier, a major commercial publisher and supporter of the bill, announced that it was withdrawing its support of the measure.

H.R. 3699 would prohibit all federal research funding agencies from providing free public access to scientific and scholarly articles arising from federally funded research without prior permission of the publisher. In doing so, the bill would essentially eliminate the National Institutes of Health’s (NIH) PubMed Central. The PubMed Central website currently provides
free public access to federally funded biomedical research articles after an embargo period of up to 12 months after publication in a peer-reviewed journal.

Many higher education groups and institutions opposed the Research Works Act. AAU and the Association of Public and Land-grant Universities wrote to members of the House Oversight and Government Reform Committee on February 6 expressing strong opposition to H.R. 3699. The letter notes that the legislation runs counter to the substance and spirit of the America COMPETES Reauthorization Act (P.L 111-358), which called for an interagency public access committee to coordinate federal agency policies governing the dissemination and stewardship of research results. This coordination includes collaborating with external stakeholders in the development of federal public access policies.

EXECUTIVE BRANCH

ASSOCIATIONS URGE HHS TO ISSUE FINAL REGULATIONS ON STUDENT HEALTH INSURANCE COVERAGE

A group of seven higher education associations, including AAU, sent a letter to Administration officials today urging that the Department of Health and Human Services (HHS) either issue final regulations for Student Health Insurance Coverage (SHIC), or announce that their implementation will be delayed to the 2013-14 academic year.

The letter, sent to HHS Secretary Kathleen Sebelius and Assistant to the President Nancy-Ann E. DeParle, notes that the original Federal Register notice for the proposed SHIC regulations was published more than a year ago, but the final regulations have yet to be published. This delay has made it more difficult for colleges and universities to negotiate new contracts with health insurers, says the letter, and it has created uncertainty in the preparation of students’ financial aid packages.

AMBASSADOR ANNOUNCES INTERVIEW WAIVER PILOT PROGRAM FOR CHINESE VISITORS

U.S. Ambassador to China Gary Locke on February 13 announced a new pilot program for waiving interviews for Chinese visitors who travel to the U.S. frequently. The announcement was a follow-up to President Obama’s January 19 executive order, “Establishing Visa and Foreign Visitor Processing Goals and the Task Force on Travel and Competitiveness.”

Below are key points from Ambassador Locke’s statement:

- On February 13, Mission China will launch a pilot program to streamline visa processing by permitting consular officers to waive interviews for some qualified nonimmigrant applicants worldwide who are renewing their visa within 48 months (four years) of the expiration of their previously held visa, and within the same classification as the previous visa.

In China, previous holders of B (temporary visitors for business/pleasure), C1 (transit), D (crewmembers), F (students), J (exchange visitors), M (nonacademic students), and O
(visitors with extraordinary ability) visas can renew their visas if they have been expired less than 48 months (four years).

- Over the course of the year, this policy could open as many as 100,000 interview appointments for Chinese travelers applying for visas for the first time.
- Applicants who qualify for interview waiver under the new guidelines can follow existing procedures to renew their visas.
- Protection of our borders and national security remains the U.S. government’s highest priority. As always, with this renewal program, some applicants who apply to renew their visa without an interview will be called in for an interview for both security and quality control reasons.

JUSTICE DEPARTMENT AND CAMR FILE NEW BRIEFS IN STEM CELL CASE

The U.S. Department of Justice has filed a new brief in the ongoing case of Sherley v. Sebelius, in which the plaintiffs, two adult stem cell researchers, are opposing federal funding of human embryonic stem cell (hESC) research. In addition, the Coalition for the Advancement of Medical Research (CAMR), of which AAU is a member, has filed a new amicus brief in support of the Justice Department position. The case is currently with the U.S. Court of Appeals, which will hear oral arguments in the case on April 23. (Copies of both briefs are attached.)

Essentially, the government and CAMR reject the plaintiffs’ continued claims that support of hESC research violates the Dickey-Wicker provision prohibiting federal funding of embryo destruction and that development of the NIH guidelines for hESC research violated the Administrative Procedure Act.

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