March 30, 2012

CONTENTS
CONGRESSIONAL SCHEDULE  NEW
BUDGET AND APPROPRIATIONS
House Approves FY13 Budget Resolution  UPDATED
AAU Comments on House FY13 Budget Resolution
Senators Urge Maintaining Strong Commitment to NIH Funding  NEW
Sixty House Members Request Robust FY13 Funding for DOE Office of Science
AAU Issues FY13 Agency and Program Funding Request Documents
AAU Posts Explanatory Documents on Tax Policies Affecting Colleges and Universities  NEW
EXECUTIVE BRANCH
HHS Releases New Policy on Regulating Dual Use Research of Concern  NEW

CONGRESSIONAL SCHEDULE  NEW

The House met in pro forma session today, with no votes, and will be in recess for the next two weeks, reconvening on Monday, April 16. The Senate did not meet today and also will reconvene on April 16.

BUDGET AND APPROPRIATIONS

HOUSE REPUBLICAN FY13 BUDGET WOULD CUT DOMESTIC SPENDING, PROTECT DEFENSE  UPDATED

Following two days of debate and consideration of seven different budget plans, the House on March 29 narrowly passed the FY13 budget resolution introduced on March 20 by House Budget Committee Chairman Paul Ryan (R-WI). The vote was 228-191, with 10 Republicans and all Democrats voting against the measure.

The budget resolution would cut spending significantly on a wide variety of domestic discretionary and entitlement programs, while protecting defense spending. It also calls for revamping Medicare and Medicaid, repealing health care reform, and overhauling the tax code.

The House budget resolution would set FY13 discretionary spending about $19 billion below the $1.047 trillion level approved with bipartisan support in last year’s Budget Control Act (BCA), with added funding for defense and cuts in domestic spending. As reported by CQ.com, the budget plan would set defense discretionary spending at $554 billion, or about $8 billion above

...
the BCA level. Domestic discretionary spending would be set at $474 billion, or about $27 billion below the BCA level, says the publication.

House Appropriations Committee Chairman Hal Rogers (R-KY) told The Hill last week that he had hoped the discretionary spending level in the House budget resolution would be higher, but he added, “It’s a workable number. We’ll make it work.” Chairman Rogers also has reached agreement with the House leadership to “ignore” a provision in the budget resolution that would require future emergency disaster assistance to be fully offset by other funding cuts, reports Politico.

Meanwhile, Senate Democratic leaders are sticking with the BCA discretionary spending level of $1.047 trillion. As required by the BCA, Senate Budget Committee Chairman Kent Conrad (D-ND) filed a “deeming resolution” on March 20, which sets discretionary spending for FY13 at that level and enables Senate appropriators to begin moving their FY13 funding bills.

The National Association of Student Financial Aid Administrators (NASFAA) reports that the House budget resolution proposes a number of cuts in federal student aid. These include eliminating the in-school interest subsidy for undergraduate students, eliminating funding for Pell Grants out of the mandatory side of the budget, eliminating Pell and campus-based aid administrative cost allowances, and allowing interest rates on subsidized Stafford loans to double, as scheduled, on July 1 from 3.4 percent to 6.8 percent.

Presumably, cuts in domestic discretionary spending would translate into cuts in research programs. The energy section of the budget summary (page 30) says:

“This budget would continue funding essential government missions, including energy security and basic research and development, while paring back duplicative spending and non-core functions, such as applied and commercial research or development projects best left to the private sector.”

However, the budget resolution itself does nothing to prevent cuts in energy or other scientific research.

AAU COMMENTS ON HOUSE FY13 BUDGET RESOLUTION

AAU on March 28 issued a statement about the FY13 budget resolution under consideration this week in the House that expresses concern that proposed funding cuts in the measure would “threaten vital national investments in medical and other research and in education.” Proposed deep cuts in domestic discretionary spending would not protect research funding, says the statement, and proposed cuts in student aid could have an impact on low-income students. AAU urges Congress to ensure that the scheduled increase in the Pell Grant maximum award to $5,635 takes place.

The statement adds, “The Bowles-Simpson report and other fiscal reform plans have made it clear that we can, and should, take strong steps to reduce long-term budget deficits and debt while preserving, and even strengthening, the nation’s investments in research and education.”
SENATORS URGE MAINTAINING STRONG COMMITMENT TO NIH FUNDING

A bipartisan group of 49 Senators sent a letter dated March 26 to Senate Appropriations Committee leaders urging them to maintain a strong commitment to FY13 funding for the National Institutes of Health (NIH). The letter was signed by 38 Democrats and 11 Republicans.

The letter says, “If we are to improve the health of Americans and the quality of their lives, we must continue to invest in areas like biomedical research that have the potential to save money in the future, improve the lives of Americans, and offer an economic return for our nation.”

SIXTY HOUSE MEMBERS REQUEST ROBUST FY13 FUNDING FOR DOE OFFICE OF SCIENCE

A bipartisan group of 60 House Members sent a letter to leaders of the House Energy and Water Appropriations Subcommittee on March 20 urging them to provide the Department of Energy (DOE) Office of Science with “robust and substantial funding” in FY13.

The letter said,

“We recognize the fragile state of the nation’s economy, and support efforts to reduce the deficit and create jobs. But to do so, we must set priorities and make smart, strategic decisions about federal funding. We believe that scientific research is the foundation for the innovative solutions that will enable us to overcome many of our greatest challenges—from economic stagnation and dependence on foreign energy, to curing diseases and addressing threats to our national security. That is why we believe funding for the DOE Office of Science must be a priority in fiscal year 2013.”

AAU POSTS FY13 AGENCY AND PROGRAM FUNDING REQUEST DOCUMENTS

AAU has posted on its website the association’s FY13 funding requests for the research agencies that it follows, as well as for graduate education, international education, and student aid. (The latter three documents are listed under “Department of Education.”) Also available is an updated chart of AAU FY13 funding priorities.

The materials can be viewed and downloaded either as a package or separately by title here.

AAU POSTS NEW EXPLANATORY DOCUMENTS ON TAX POLICIES AFFECTING COLLEGES AND UNIVERSITIES

AAU has developed a new document on federal tax provisions that affect colleges and universities, based on previous AAU background documents. The material can be used as a one-pager that lists the tax issues, a three-pager with more detailed descriptions of the issues discussed in the first document, and a four-pager that combines the two documents into one.
The Department of Health and Human Services (HHS) on March 29 released its new policy on reviewing and regulating dual use research of concern. The policy appears to be a government-wide policy for all federal agencies that fund research on select agents. Select agents are biological agents or toxins which have been declared by HHS or the Department of Agriculture as having the “potential to pose a severe threat to public health and safety.”

Although the scope of the policy is limited to 15 select agents, it includes a number of problematic features. The policy calls for a review of all current and future federally funded research to try to identify “dual use research of concern” (DURC). The definition of such research is adapted from that of the National Science Advisory Board on Biosecurity (NSABB). It defines such research as:

“life sciences research that can be reasonably anticipated to provide knowledge, information, products, or technologies that could be directly misapplied to pose a significant threat with broad consequences to public health and safety, agricultural crops and other plants, animals the environment, materiel or national security.”

To narrow the scope, the policy identifies 15 select agents and five categories of research adapted from the NSABB definition of DURC.

The review is to be conducted by the federal agencies, although there is little detail on how it will be accomplished. Under the new policy, identification of DURC triggers development of a risk mitigation plan with the relevant research institution(s). A number of risk mitigation measures are suggested, ranging from modifying the research design and enhancing biosafety measures to education, as well as ongoing review of the research in progress.

The policy says that if the risk cannot be mitigated, options might include redaction of research results (and it notes that this might trigger export control laws) or classification of the research. While the statement cites National Security Decision Directive 189 (NSDD-189), its suggestion that fundamental research could be classified following an ambiguously defined review seems to contradict the intent of NSDD-189, which states that fundamental research should be unrestricted to the maximum extent possible. Finally, the policy designates either the NSABB or the Countering Biological Threats Interagency Policy Committee as the final arbiters of review and guidance.

The policy statement identifies no opportunity for public comment, and it is not clear from the website how or when the new policy will be applied.