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CONGRESSIONAL SCHEDULE  NEW

Both the House and Senate were out of session this week and will reconvene for legislative business on Monday, February 25.

BUDGET & APPROPRIATIONS

CONGRESS EXPECTED TO ADDRESS THE SEQUESTER IN THE FY13 CR  UPDATED

Indications are that Congress will allow the $85 billion in across-the-board budget cuts for FY13 to go into effect next Friday, March 1. Both political parties are betting that their constituents will support their position on the budget sequester: Republicans that the sequester offers the guarantee of actual budget cuts, Democrats that the public will blame Republicans for cuts in defense and other valued government services. Either way, the outcome is likely to be decided in whatever legislation is enacted to extend the continuing resolution (CR), which expires on March 27. (The FY13 CR is the stop-gap funding measure that has extended funding for most government programs at their FY12 levels.)

CQ.com reports that House Republicans are considering offering a deal that retains the sequester cuts in the new FY13 CR but gives the White House flexibility in how to distribute the cuts. The
publication notes that this alternative would require the President to make politically difficult choices, but would also give him the power “to do the best for his own priorities at the unilateral expense of what the GOP likes.” Regardless of how the cuts are made, they would still amount to a loss of $85 billion in government funding over the last seven months of the fiscal year.

The original estimated across-the-board cuts in FY13 under the sequester were 9.4 percent for defense discretionary spending and 8.2 percent for nondefense discretionary spending. The fiscal cliff agreement signed on January 2 lowered those percentages to an estimated 7.3 and 5.1 percent, respectively, to be allocated over the last seven months of FY13. The Congressional Budget Office estimates that the sequester cuts will cost 750,000 jobs by the end of 2013, and reduce growth in the gross domestic product by 0.6 percent, reports The Hill.

SENATE MAY VOTE ON DUELING ALTERNATIVE SEQUESTER PLANS

With little chance that Congress will avert the sequester before March 1, the Senate next week will vote on Senate Democrats’ sequester replacement plan and may also vote on a Republican alternative that has not yet been released, reports CQ.Com.

Senate Democrats have proposed a $110-billion replacement plan, divided equally between spending cuts and additional revenues. The $55 billion in savings would come from $27.5 billion in cuts from defense after FY14 and $27.5 billion in cuts to agricultural subsidies. On the revenue side, the package would set a minimum effective tax rate for the wealthy and increase taxes on the oil sands industry.

CQ.com reported last week that a Republican alternative plan “promises to be all spending cuts.” The publication notes today that both plans would have a good chance of being “bottled up by procedural objections, or an agreement that would require a supermajority for passage.”

NIH RELEASES SEQUESTER IMPLEMENTATION PLAN

The FY13 funding cut to the National Institutes of Health (NIH) would be $1.6 billion, reports National Journal. In a notice issued on February 2, the agency said, in part, that under a sequester, NIH “likely will reduce the final FY 2013 funding levels of non-competing continuation grants and expects to make fewer competing awards to allow the agency to meet the available budget allocation.” Individual institutes and centers have been given authority to decide their “respective approaches to meeting the new budget level.”

UNIVERSITY RESEARCH COMMUNITY SUSTAINS ITS CALL TO END THE BUDGET SEQUESTER

Members of America’s research community continue to weigh in against the budget sequester with individual video messages to Congress about the devastating impact of these across-the-board budget cuts on science and innovation. The new set of messages released today by ScienceWorksForU.S., the third in a series, features university chancellors, research officers,
faculty, and students discussing the potential effects of the drastic budget cuts on their work. They urge Members of Congress to find alternatives to the sequester.

The video editorials are being released by ScienceWorksForU.S. throughout February. The goal is to impress upon lawmakers the importance of finding deficit reduction solutions that allow the country to continue to invest in basic scientific and medical research and other things that contribute to economic growth, security, and health.

ScienceWorksForU.S. is a project of AAU, the Association of Public and Land-grant Universities (APLU), and The Science Coalition (TSC).

**BUSINESS HIGHER EDUCATION FORUM URGES POLICYMAKERS TO AVOID SEQUESTER**

The Business-Higher Education Forum, a group of Fortune 500 company executives and research university presidents, sent Washington policymakers a letter on February 20 urging them to avoid implementation of the sequester. The letter describes several ways in which the sequester would “impose long-term damage on the economy, its workforce and higher education.” It says the sequester would: stall the still-weak economic recovery; reduce research funding, “the lifeblood of discovery and innovation,” at a time when other nations are rapidly expanding their research and development investments; hinder the work being done to improve education and workforce outcomes in science, technology, engineering, and mathematics (STEM) fields; and reduce access to higher education for needy students, which “is no way to build a competitive workforce or improve economic growth.”

**EXECUTIVE BRANCH**

**OSTP DIRECTS RESEARCH AGENCIES TO DEVELOP PUBLIC ACCESS PLANS**

The White House Office of Science and Technology Policy (OSTP) today released its long-awaited policy for expanding public access to the results of federally funded research. The policy, which applies to all federal agencies that fund more than $100 million in extramural research each year, provides comprehensive guidelines for agencies to use in providing public access to scientific publications and data resulting from federally funded research. AAU believes the policy is thoughtful and balanced.

In developing and implementing their plans, agencies must solicit views from stakeholders, including researchers, universities, libraries, publishers, users of federally funded research results, and civil society groups. Agencies are also encouraged to coordinate development of their plans across agencies, where appropriate, and to implement public-private partnerships and collaborations to achieve the goals of the policy.

The policy calls for agencies to use a 12-month, post-publication embargo period as a guideline for making scientific publications publicly and freely available. But the policy also allows agencies to tailor their plans to address “challenges and public interests” unique to specific field and mission combinations. In addition, stakeholders may petition to change the embargo period.
for specific fields based on evidence that the impact of the proposed embargo period would conflict with the objectives of the OSTP policy.

Agencies must identify resources to implement their plans within existing agency budgets. The financial challenges posed by this requirement may be mitigated, however, by allowing agencies to develop and maintain their public access repositories through arrangements with other federal agencies or by working in partnership with other entities, such as scholarly and professional associations, publishers, and libraries. Agencies are directed to submit draft plans within six months, after which OSTP and the Office of Management and Budget will review the plans, provide guidance for the development of final plans, and promote consistency across agencies where feasible.

OSTP RELEASES SECOND PART OF ADMINISTRATION’S POLICY ON DUAL USE RESEARCH

The White House Office of Science and Technology Policy (OSTP) today published in the Federal Register the second component of the Administration’s policy on dual use research of concern (DURC), this one aimed at institutional oversight and investigators. During a stakeholders’ conference call yesterday, an OSTP representative said that public comments would be accepted for 60 days but there was no set timeline for issuing the final policy. If the comments received are extensive, OSTP might request another round of comments. AAU plans to provide comments on the policy.

The new policy applies to all federal agencies, all institutions that receive federal funding, and all institutions that are conducting research that meets the definition of dual use research of concern, regardless of funding source. Like the previous policy released last March, which was focused on federal agencies, the new policy limits the scope of DURC to 15 select agents/toxins and seven categories of experiments. Non-compliance with the policy could result in loss of federal funding for the institution.

The policy goes into great detail on the individual components of oversight, but the general framework of the proposed oversight system consists of:

1. Identification of DURC by the principal investigator;
2. An institutional review process that verifies the DURC finding, conducts a risk-benefit analysis, develops a risk mitigation plan, and ensures the research is carried out according to that plan; and
3. Notification of the results of the review process and risk mitigation plan to the National Institutes of Health (NIH); NIH will be the central administrative agency, even if the research is funded by another entity.

NIH ISSUES REQUEST FOR INFORMATION ON BIOMEDICAL RESEARCH WORKFORCE

NIH on February 21 issued a request for information (RFI) to the university research community for comments and suggestions about implementation of the recommendations of the agency’s
Working Group on the Biomedical Research Workforce. Campuses are encouraged to respond to the request. The deadline for responses is **Monday, April 22.**

### OTHER

**SENATORS DURBIN AND WARREN TO SPEAK AT NATIONAL HUMANITIES MEETING**

Senators Richard Durbin (D-IL) and Elizabeth Warren (D-MA) will be among the speakers at this year’s annual meeting and advocacy day of the National Humanities Alliance on March 17-19. The two will speak about the role of the humanities in promoting opportunity. Joining them on the program will be Brown University President Christina Hull Paxson and former Lieutenant General and U.S. Ambassador to Afghanistan Karl Eikenberry.

Additional information about the program is available [here](#).

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