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Weekly Updates ^[1]

Updates to the campuses regarding federal policy issues, legislation and current happenings.

Select the date you wish to review to expand the content. If you are looking for an update prior to those listed, contact [Connie Johnson](#) ^[2].

January 20, 2015

The 114th Congress kicked off on January 5, 2014. We will be sending out Federal Relations updates biweekly while Congress is in session. If you have any questions or are seeking additional information on a federal issue, please contact Abby Benson at abby.benson@cu.edu ^[3] or Heather Bené in our DC office at heather.bene@cu.edu ^[4].

EDUCATION

Obama Proposes Free Community College

On January 9th, President Obama announced a proposal to make two years of community college free for responsible students. The proposal is inspired by new programs in Tennessee and Chicago. This announcement was made in advance of the State of the Union, scheduled to air tonight at 9:00 ET, which will also feature the plan. The State of the Union can be streamed live [here](#) ^[5].

The America's College Promise plan would allow students to attend community college tuition-free if they attend half-time, are making satisfactory academic progress to a degree, and maintain a 2.5 GPA. To be eligible, community colleges would have to pledge to make their programs' credits transfer to four-year institutions or lead to jobs in fields in demand. Federal funding would cover three-quarters of the average cost of community college and participating states would need to contribute a match to cover the rest. If fully implemented, the proposal would benefit roughly 9 million students per year and save full-time community college students an average of \$3,800 in tuition per year. The plan is designed to create gains in student enrollment, persistence, completion transfer, and employment. This program will be included in the President's Budget to be announced in early February, and will undoubtedly require a significant financial commitment, as well as approval from the Republican-controlled Congress. You can review the White House fact sheet [here](#) ^[6]. (Source: White House)

Senators Introduce Bill to Simplify Free Application for Student Aid

On January 7th, Senators Lamar Alexander (R-TN) and Michael Bennet (D-CO) reintroduced ^[7]the FAST Act (Financial Aid Simplification and Transparency Act) to simplify the Free Application for Federal Student Aid. The two Senators first introduced the bill last June. The bill is Senator Alexander's first as chairman of the Senate Health, Education, Labor and Pensions (HELP) Committee. The measure would also restore the year-round Pell Grant and make other changes.

Senator Alexander said that the Senate HELP Committee plans to act on this bill and others related to the Higher Education Authorization Act after it finishes work reauthorizing the Elementary and Secondary Education Act this spring. (Source: AAU, CU)

IMMIGRATION

Senators Introduce Legislation to Expand H-1B Visas for High-Skilled Immigrants

On January 13th, a bipartisan group of Senators introduced ^[8]legislation aimed at expanding the ability of high-skilled workers to live and work in the United States. The Immigration Innovation ("I-Squared") Act of 2015 would increase the number of employment-based nonimmigrant (H-1B) visas and broaden access to green cards for high-skilled workers by expanding exemptions and eliminating the annual per-country limits. The measure was introduced by Senators Orrin Hatch (R-UT), Amy Klobuchar (D-MN), Marco Rubio (R-FL), Chris Coons (D-DE), Jeff Flake (R-AZ), and Richard Blumenthal (D-CT).

The I-Squared Act includes the following provisions of specific interest to universities:

- Uncapping the existing U.S. advanced degree exemption for H-1B visas (currently limited to 20,000 per year);
- Allowing dual intent for foreign students at U.S. colleges and universities;
- Exempting U.S. STEM advanced degree holders and outstanding professors and researchers from the employment-based green card cap (note: I-Squared uses the Department of Homeland Security definition of qualified STEM fields); and
- Reforming fees on H-1B visas and employment-based green cards and directing the revenue to fund a grant program to promote STEM education and worker retraining to be administered by the states. (Source: AAU)

December 17, 2014

Late last night, the 113th Congress adjourned. The 114th Congress will begin the week of January 6, 2015. This will be the last Federal Update for 2014.

APPOINTMENTS

Two DOE Nominees Confirmed

On December 4th, the Senate confirmed Dr. Franklin (Lynn) Orr as the Under Secretary for Science and Energy at the Department of Energy. For almost 30 years, Dr. Orr has been a member of the faculty at Stanford University. In 2009, he helped create the Stanford Precourt Institute for Energy, which he has led since its founding. Before that, he served as the dean of the Stanford School of Earth Sciences and later helped start the Global Climate and Energy project – a ten-year project to research technology options for reducing greenhouse gas emissions from energy use.

On December 8th, Dr. Ellen Williams was confirmed by the Senate as the Director of the Department of Energy's Advanced Research Projects Agency – Energy (ARPA-E).

Prior to joining the Department, Dr. Williams was the Chief Scientist for BP, a position she has held since 2010. She is currently on a leave of absence from the University of Maryland where she has served as a Distinguished University Professor in the Department of Physics and the Institute for Physical Science and Technology since 2000. (Source: DOE)

Senate Confirms U.S. Surgeon General Nominee

On December 15th, the Senate confirmed Dr. Vivek Murthy as the next surgeon general of the United States over the objections of gun rights advocates. Murthy, a 36-year old physician, was approved 51-43 despite opposition from the GOP for his support of gun control and ObamaCare. The nomination had been held up for more than a year after conservative groups, led by the National Rifle Association, publicized tweets in which Murthy called guns a "public health issue." He had previously declared support for policies such as background checks and ammunition limits and accused members of Congress of "playing politics" with guns because they were "scared of the NRA." (Source: The Hill)

Congressman Culberson Appointed to Lead CJS Appropriations Subcommittee

Congressman John Culberson (TX) has been appointed Chairman of the House, Commerce, Justice, Science (CJS) and Related Agencies Appropriations Subcommittee for the 114th Congress. The subcommittee oversees the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration (NASA), the National Science Foundation (NSF), the National Oceanic and Atmospheric Administration (NOAA), and the National Institute of Standards and Technology (NIST). (Source: House Science Committee)

Senator-elect Gardner Receives Committee Assignments

Senator-elect Gardner has been assigned a seat on the Senate Commerce, Science, and Transportation Committee, which oversees NASA, NOAA, NSF, and NIST, for the 114th Congress. He has also been assigned seats on the Senate Energy & Natural Resources, Foreign Relations, and Small Business & Entrepreneurship Committees.

BUDGET/APPROPRIATIONS

House and Senate Approve FY15 "Cromnibus"

December 12th, the House approved the FY15 "cromnibus" appropriations package by a vote of 219-206. On Saturday, the Senate also approved the package by a vote of 56 to 40. CU advocated strongly in support of the legislation, which gives our researchers certainty for the remainder of the fiscal year and provides critical funding for both CU-Boulder and CU AMC research programs and student financial aid programs. Reps. Perlmutter, Coffman, Tipton and Sen.-elect Gardner voted for the measure, which passed the House 219 to 206. Reps. DeGette, Polis and Lamborn voted against the measure. Senators Bennet and Udall both voted for the measure in the Senate. See the attached document for more details on the bill. (Source: CU)

EDUCATION

ACE Report Explains College And University Endowments

The American Council on Education has released a new publication outlining the importance of endowment funds in helping institutions support their educational missions. The white paper answers frequently asked questions about the purpose and use of endowments including how one is created, how institutions balance present and future needs in managing their endowments, and how the funds generated are used. (Source: ACE)

RESEARCH

CIRES Initiatives Highlighted by White House

The White House recently highlighted 'Through the Tribe's Eye' project, co-led by tribal community partners and education experts from CU-Boulder's Cooperative Institute for Research in Environmental Sciences (CIRES), tribal college students from the Navajo Nation and their instructors will use photography to tell a story about how environmental and climatic changes affect their lives on the reservation. CU-Boulder science graduate students and a professional photographer will mentor the students throughout the project.

In addition, CIRES, together with the Western Water Assessment program, is announcing a new four-week Massive Open Online Course (MOOC) on 'Water in the Western United States,' starting Spring 2015. This free, online course features water researchers discussing the importance of water to society and the changing physical, climatic, social and legal aspects of water management in the Western United States. The course is expected to reach over 10,000 students. (Source: White House)

NIH Issues Draft Policy on Use of Single IRBS in Multi-Site Clinical Trials

On December 3rd, the National Institutes of Health issued a draft policy to promote the use of single Institutional Review Boards (IRB) in multi-site clinical trials. The stated goal of the policy is "to enhance and streamline the process of IRB review and reduce inefficiencies." The draft policy essentially mandates use of a single IRB of record for multi-site studies, noting that exceptions to this expectation "will be allowed only if the designated single IRB is unable to meet the needs of specific populations or where local IRB review is required by federal, tribal, or state laws or regulations." The deadline for comments on the draft policy is January 29, 2015. (Source: AAU, NIH)

NSF Updates Guidelines for Communications Value of its Grants to the Public

On December 3rd, the National Science Foundation (NSF) issued an updated set of internal guidelines aimed at providing clearer, non-technical project descriptions in response to congressional criticism about the scientific value and national significance of the research grants that it funds. The guidelines are being accompanied by program staff training in writing award abstracts and titles. (Source: AAU)

Chairman Smith Criticizes AAU's Statement on Committee NSF Inquiries

On December 1st, the Chronicle of Higher Education published a letter to the editor by House Science Committee Chairman Lamar Smith (R-TX) that reiterated his rationale for investigating specific grants funded by the National Science Foundation (NSF), and criticized the AAU for its expressed concerns about that inquiry. AAU responded to the Chairman's comments in a brief comment posted on the Chronicle website just below the letter. (Source: AAU)

Omnibus Includes Manufacturing Institutes Bill; New Institutes Announced

The FY 2015 "omnibus" spending bill passed by the House and Senate last week contains the Revitalize American Manufacturing and Innovation Act, co-sponsored by Representatives Tom Reed (R-NY) and Joseph Kennedy (D-MA). A companion bill was introduced in the Senate by Sens. Sherrod Brown (D-OH) Roy Blunt (R-MO). The bill, which was supported by CU-Boulder, doesn't provide new funding but provides a helpful bipartisan authorization for a National Network for Manufacturing Innovation (NNMI) to include major regional manufacturing institutes and other important resources to promote R&D and technology transfer in advanced manufacturing.

The Administration is already in the process of standing up 8 institutes as part of the NNMI under existing authorities, primarily within the missions of individual R&D agencies. On December 11th, President Obama announced \$145 million in federal funds in upcoming opening competitions for two new manufacturing institutes. (Source: The Hill, MIT)

TAXES

Congress Passes Tax Extender Passage

On December 3rd, the House passed a tax extenders package (H.R. 5771) that will extend more than 50 expired tax benefits for one year, through 2014. In their final day in session, the Senate passed the same package. The package contains tax benefits important to higher education, including the IRA Charitable Rollover, the above-the-line deduction for qualified tuition and related expenses, and the research & development tax credit. Approval of the retroactive extension pushes off next year more ambitious plans to redo and make permanent a variety of tax benefits for individuals and corporations, reports CQ.com.

On December 11th, the House failed to approve under suspension of the rules the Supporting America's Charities Act (H.R. 5806), legislation to make permanent three charitable tax provisions, including the IRA charitable rollover. The measure fell by a vote of 275 to 149, short of the two-thirds majority needed to approve it under suspension. The White House had

threatened to veto the bill because it provided no offsets for its costs. (The other charitable provisions dealt with land conservation and food donations). The higher education community, including CU, strongly supports the IRA Charitable Rollover, which allows individuals who have reached age 72 to donate up to \$100,000 directly from their Individual Retirement Accounts (IRA) to charitable organizations, without treating the distributions as taxable income. (Source: AAU)

TECH/IP

Organizations Write To House And Senate Judiciary Committee Leaders On Patent Reform Next Year

A group of organizations collaborating on patent issues, AAU and APLU, wrote to leaders of the House and Senate Judiciary Committees on December 10th regarding patent reform in the next Congress. The letter thanked the leaders for their efforts to craft legislation to target abusive practices in patent litigation, but expressed concern that legislative proposals considered earlier this year would have threatened the ability of patent holders to legitimately enforce their patents. The group cited a number of judicial and administrative developments that call for a careful reassessment of the need for legislation to curb abusive patent practices.

Associations Submit Statement To USPTO On Harmonization Of The Patent Grace Period

The U. S. Patent and Trademark Office (USPTO) is engaged in discussions with other nations about the harmonization of patent law and policy. As part of those efforts, USPTO held a roundtable on November 19th to gather views from the stakeholder community on various aspects of harmonization, including the issue of the patent grace period. The six higher education associations working together on patent issues submitted a statement to the Office that described the benefits to harmonization of an effective grace period. (Source: AAU)

December 10, 2014

CONGRESS READY TO APPROVE FY15 "CROMNIBUS"

House and Senate leaders have agreed on the final FY15 "CRomnibus" appropriations package, which both chambers will vote on this week before closing out the 113th Congress. The bill is expected to pass both chambers and be signed by the President before Congress adjourns, though we will report when that happens. (A short-term continuing resolution (CR) will be needed to fund the government through the end of the week after the current CR expires tomorrow, December 11th). The measure includes full-year appropriations for 11 out of the 12 appropriations bills and a continuing resolution (CR) through February for the Department of Homeland Security (DHS). The CR for DHS will allow next year's Republican-led Congress to address President Obama's immigration executive order.

Given that last December's budget deal froze domestic discretionary spending at the FY14 level, some research and student aid programs fared relatively well in the FY15 funding package. Attached are some research and higher education highlights from the FY15 "cromnibus." All base numbers are based on final FY14 appropriations. If anyone has questions or would like more details, please contact the Office of Government Relations.

Fiscal Year 2015 CRomnibus Summary

Department of Education

The Pell Grant program will be funded at \$22.475 billion, which maintains the discretionary portion of the maximum Pell grant award level at \$4,860 for the 2015-2016 school year. After addition of the mandatory supplement, the maximum award is projected to increase by \$100 to \$5,830.

Additional appropriations levels of note:

- Supplemental Educational Opportunity Grant (SEOG) is provided \$733 million, level with FY14.
- Federal Work Study is provided \$989.7 million, an increase of \$15 million.
- Graduate Assistance in Areas of National Need (GAANN) is provided \$29.3 million, level with FY14.
- TRIO Programs are provided \$840 million, up \$1.5 million.
- GEAR UP is provided \$301.6 million, level with FY2014.
- International Education and Foreign Language Studies is provided \$72 million, level with FY14.
- Fund for the Improvement of Postsecondary Education's (FIPSE) First in the World program, is provided \$60 million, a \$15 million cut from FY2014. Of the \$60 million, \$16 million will be for minority serving institutions.
- The FIPSE Simon Study Abroad program is not funded.
- The Institute of Education Sciences (IES) is provided \$574 million.

National Science Foundation (NSF)

The NSF allotment is \$7.3 billion ? an increase of about \$172 million over FY14.

Additional appropriations levels of note:

- \$5.93 billion for Research and Related Activities
- \$200.8 million for Major Research Equipment & Facilities Construction
- \$866 million for Education and Human Resources
- \$325 million for Agency Operations
- \$4.4 million for National Science Board
- \$14.4 million for Inspector General

National Institutes of Health (NIH)

The allotment for NIH includes a program level of \$30 billion for the NIH, \$150 million above the FY14 level. This funding will continue basic bio-medical research and translational research through programs like the Clinical and Translational Science Awards (CTSA) and Institutional Development Award (IDeA) to help scientists discover cures. It includes specific increases for Alzheimer's, cancer, and brain research, and \$12.6 million for the Gabriella Miller Kids First Act pediatric research initiative.

National Aeronautics and Space Administration (NASA)

NASA is funded at \$18 billion in the bill, an increase of \$364 million above the FY14 enacted

level. Within this total, \$4.4 billion is provided for Exploration, including funding to keep the Orion Multi-Purpose Crew Vehicle and Space Launch System on schedule.

Additional appropriation levels of note:

- \$5.24 billion for Science Mission Directorate
- \$651 million for Aeronautics Research Mission Directorate
- \$596 million for Space Technology Mission Directorate

National Institute of Standards and Technology (NIST)

NIST is funded at \$864 million, an increase of \$14 million above the FY14 enacted level.

Additional appropriation levels of note:

- \$50.3 million for Construction of Research Facilities
- \$138 million for industrial technology services, including \$130 million for the Hollings Manufacturing Extension Partnership
- \$15 million for Advanced Manufacturing Technology Consortia (\$8.1 million in new appropriations, and \$6.9 million from prior year balances)

National Ocean and Atmosphere Administration (NOAA)

NOAA is funded at \$5.4 billion, which is an increase of \$126 million above the FY14 enacted level.

Additional appropriation levels of note:

- \$432.9 million for Ocean and Atmospheric Research
- \$158 million for Climate Research (\$60 million for Laboratories and Cooperative Institutes; \$38 million regional information systems)
- \$7.3 million for the Total Solar Irradiance Sensor-1 (TSIS-1)

Department of Defense (DoD)

DoD research received \$63.7 billion in research, an increase of over \$700 million enacted in FY14.

Additional appropriation levels of note:

- \$2.278 billion for Basic Research (6.1)
- \$4.2 billion for Applied Research (6.2)
- \$5.53 billion of Advanced Technology Development (6.3)

Department of Energy (DoE)

Appropriations levels of note:

- \$5.071 billion for Office of Science; level with FY14
- \$1.9 billion for Energy Efficiency and Renewable Energy (Rescinds \$13 million in prior-year unobligated funds)
- \$280 million for Advanced Research Projects Agency-Energy (ARPA-E); level with FY14

National Endowment for the Humanities (NEH)

NEH received \$146 million in the FY15 bill; level with F14.

December 2, 2014

Members of Congress returned to Washington, DC yesterday after the Thanksgiving holiday recess. On top of their to-do list is continuing funding the Federal government, which is operating under a continuing resolution (CR) that expires on December 11th (more below).

APPOINTMENTS/DEPARTURES

Defense Secretary Hagel Submits Resignation

Defense Secretary Chuck Hagel submitted his resignation on November 24th, bowing to pressure from the White House to step down after less than two years in the job in what could portend a broader shakeup among President Obama's national security team. Hagel resigned after holding a series of discussions with Obama and other White House officials in recent weeks. A senior defense official, speaking on condition of anonymity, said Obama and Hagel both determined that it was time for new leadership at the Pentagon. Hagel will remain as defense secretary until Obama can pick a replacement, who must also be confirmed by the Senate. (Source: The Washington Post)

BUDGET/APPROPRIATIONS

Congress Considers Options for FY15 Spending

Lawmakers have a very tight timetable to negotiate a year-end spending package and get it through both chambers before the current CR expires on Dec. 11. Appropriators are facing pressure to show that a deal is reachable within the coming days to avoid kicking fiscal 2015 funding decisions into the 114th Congress.

House Republican leaders are eager to avoid a shutdown or another stopgap by moving a broad funding package, while also finding a way to push back against the White House for its recent executive actions on immigration. A "cromnibus" strategy that would aim to provide fresh funding for most of the government under a broad spending deal now being hashed out by appropriators is likely to be outlined to the caucus. However, the legislation would offer only a few months of funding for Homeland Security agencies which would carry out the immigration actions to give the GOP a better chance to block the administration's moves when the party controls both chambers of Congress next year.

Appropriators insist they are on course to reveal an omnibus by next Monday, but how many fresh spending bills make it into a final package remains an open question. Agencies not receiving new funding would likely get extensions of current funding through the end of the fiscal year. CQ forecasts the bipartisan spending bills for Defense and Military Construction-

Veterans Affairs and Legislative Affairs are a near-certainty in any omnibus as their presence would build support for the deal. Also favored for the omnibus would be the Commerce-Justice-Science (which funds NSF, NASA, NOAA and NIST), Energy-Water, Agriculture, and Transportation-HUD measures though contentious policy riders could impact the latter two. CQ expects that four spending bills ? Labor-HHS-Education, State-Foreign Operations, Financial Services and Interior Environment ? have at best even shots at making the omnibus as they fund some of the more contentious programs, including the 2010 health care law, the Dodd-Frank financial regulatory overhaul, foreign aid programs and the EPA. (Source: CQ, CU)

University Research Community Continues to Urge Congress to Close the Innovation Deficit

The university research community and its allies continue to press Congress to move a full-year FY15 omnibus appropriations bill with strong funding for research and higher education to help close the innovation deficit. Among these efforts are the letter sent to all Members of Congress on November 12th by 133 national organizations, which continues to be amplified through conventional and social media, and by visits to congressional offices. (Source: AAU)

ACE-led letter urges appropriators not to spend Pell grant surplus on other programs

A group of 33 higher education associations, including AAU and APLU, sent a letter to leaders of the Senate Labor-HHS-Education Appropriations Subcommittee on November 24th urging them not to use the current Pell Grant surplus to support other programs in the FY15 Labor-HHS-Education appropriations bill. Led by the American Council on Education (ACE), the letter notes that reports have circulated of a proposal to transfer \$2 billion in Pell Grant funding to other programs within the Labor-HHS-Education funding bill. Regardless of the merits of other programs, says the letter, such an action would be "dangerously short-sighted." (Source: AAU)

EDUCATION

Senator Harkin Introduces Revised HEA Reauthorization Bill

On November 20th, Senator Tom Harkin (D-IA), chairman of the Senate Health, Education, Labor, and Pensions (HELP) Committee, introduced legislation to reauthorize the Higher Education Act (HEA). The measure builds on the draft bill that Senator Harkin introduced in June. The Senator said the four main goals of the legislation are "increasing college affordability, helping struggling borrowers, strengthening accountability, and improving transparency of college costs and quality."

Among other provisions, the bill aims to strengthen loan counseling and streamline loan repayment plans for students, eliminate origination fees on federal direct loans, reinstate year-round Pell Grants, and allow private student loans to be discharged in bankruptcy. It also would extend and reform the Perkins loan program and create a student unit record system to track cost and completion data at colleges and universities. With Senator Harkin retiring at the end of this Congress, however, this bill is more symbolic and will likely not advance in this Congress. (Source: AAU)

IMMIGRATION

President Obama Announces New Immigration Action

On November 20th, President Obama announced that his Administration would make millions of illegal immigrants eligible for temporary protection from deportation, and enable more international students earning degrees in science, technology, engineering, and mathematics (STEM) at U.S. universities to remain and work in this country after graduation. Some details affecting higher education remain to be clarified.

The executive order changes immigration enforcement rules to lift the age limitation on the Deferred Action for Childhood Arrivals, which has allowed individuals brought to the U.S. illegally as young children-the so-called DREAMers-to avoid deportation if they are under 30 and have enrolled in college or served in the military. And while undocumented students will now be able to apply for lower in-state tuition and scholarships in every state, some states may choose not to offer those benefits and undocumented students will still not be eligible for federal student aid.

For international students, the President's executive order expands the Optional Practical Training program, which offers temporary work authorization for such students for 12 to 29 months after graduation, says Inside Higher Ed. The publication notes that the White House has said it would "require stronger ties" between students participants and the institutions from which they graduated, but has not provided details.

The Department of Homeland Security also is finalizing rules to authorize employment for spouses of certain H-1B visa holders if the visa-holding spouse has applied for lawful permanent resident status. (Source: AAU)

RESEARCH

HHS and NIH Take Steps to Enhance Transparency of Clinical Trial Results

On November 19th, the U.S. Department of Health and Human Services issued a Notice of Proposed Rulemaking (NPRM), which proposes regulations to implement reporting requirements for clinical trials that are subject to Title VIII of the Food and Drug Administration Amendments Act of 2007 (FDAAA). The proposed rule clarifies requirements to clinical researchers for registering clinical trials and submitting summary trial results information to ClinicalTrials.gov, a publicly accessible database operated by the National Library of Medicine, part of the National Institutes of Health. A major proposed change from current requirements is the expansion of the scope of clinical trials required to submit summary results to include trials of unapproved, unlicensed, and uncleared products.

ClinicalTrials.gov currently contains registration information for more than 178,000 clinical trials and summary results for more than 15,000. These numbers include trials that are not subject to FDAAA. Among the primary benefits of registering and reporting results of clinical trials, including both positive and negative findings, is that it helps researchers prevent unnecessary duplication of trials, particularly when trial results indicate that a product under study may be unsafe or ineffective, and it establishes trust with clinical trial participants that the information from their participation is being put to maximum use to further knowledge

about their condition. Read the full news release here. (Source: NIH)

Governor and Colorado Delegation Highlight Colorado Aerospace Economy

In honor of the upcoming December 4th test launch of the Orion spacecraft ? engineered by Lockheed Martin in Colorado ? Governor Hickenlooper and the entire Colorado delegation signed an op-ed in the Denver Post highlighting Colorado?s aerospace economy. In addition to highlighting the role of Colorado industry, the op-ed states that Colorado "has long been at the forefront of space science and exploration, with our companies and research institutions playing a leading role in missions to other planets.?" (Source: CU, Denver Post)

TECH/IP

Higher Education Associations Testify on Copyright Issues in Education

On November 19th, Jack Bernard, Associate General Counsel of the University of Michigan, testified before the House Judiciary Subcommittee on Courts, Intellectual Property, and the Internet on copyright issues that affect higher education. The hearing was held to consider copyright issues in education and for the visually impaired.

In his comments on behalf of AAU and five other higher education associations, Bernard described the many complex ways in which copyright touches college and university activities, noting that the structural balance of current copyright law works well for postsecondary institutions. He observed that higher education institutions and the copyright law share a common mission: to disseminate knowledge for the benefit of society. He also emphasized the importance of fair use in helping colleges and universities make educational and research materials publicly available for a variety of uses. The higher education associations' written testimony is available here. (Source: AAU)

November 19, 2014

APPOINTMENTS/DEPARTURES

CU-Boulder Professor Kevin Doran Appointed as Special Advisor to the Office of the Undersecretary of Science and Energy

The U.S. Department of Energy has appointed CU-Boulder Professor Kevin L. Doran as a Special Advisor to the Office of the Undersecretary of Science and Energy. During his detail in Washington, D.C., Professor Doran will be part of the senior leadership team developing the Department's Science and Energy Plan, a long-term plan to establish strategies and priorities for the Department's fundamental and applied research portfolio, stakeholder interactions, and program evolution. He will also serve as the Chief Editor of the 2015 Quadrennial Technology Review, a comprehensive assessment of research opportunities that will inform the Department's programs and capabilities, budgetary decisions, industry engagements, and national lab activities. Professor Doran will be actively involved in the Department's research and policy activities related to natural gas, carbon capture and storage, energy power systems, integrated systems analysis, and a wide range of other issues. (Source: DOE)

Retiring U.S. Congressman Rush D. Holt to Lead AAAS

New Jersey Congressman Rush D. Holt, Ph.D., who will retire this year from the U.S. House of Representatives at the end of his eighth term, has agreed to join the world's largest general scientific organization, the American Association for the Advancement of Science (AAAS), as chief executive officer and executive publisher of the Science family of journals. He will succeed Alan I. Leshner, Ph.D., who had previously announced that he would be stepping down as AAAS CEO. (Source: AAAS)

Howard Harary Appointed Director of NIST Engineering Lab

Howard Harary has been appointed director of the National Institute of Standards and Technology's (NIST) Engineering Laboratory, which develops the measurement tools and standards needed to support technology-intensive manufacturing, construction and cyber-physical systems. The laboratory also conducts research to reduce the risks of fire, earthquakes and other hazards. The Department of Commerce approved Harary's appointment, effective November 3, 2014. (Source: NIST)

Mohamed Abdel-Kader Appointed Department of Ed Deputy Assistant Secretary

Mohamed Abdel-Kader has been appointed to serve as Deputy Assistant Secretary for International and Foreign Language Education (IFLE) in the Office of Postsecondary Education at the Department of Education. As Deputy Assistant Secretary of IFLE, Mohamed will have responsibility for encouraging and promoting the study of foreign languages and the study of the cultures of other countries at the elementary, secondary, and postsecondary levels in the United States; and coordinate with related international and foreign language education programs of other Federal agencies, as established in the 2008 Higher Education Opportunity Act. Prior to joining us at ED, Mohamed served as the Director of Development for the Edmund A. Walsh School of Foreign Service at Georgetown University. (Source: ED)

NSF's SBE Directorate Will Have New Leadership

The National Science Foundation has announced that Joanne Tornow, Deputy Assistant Director for Social, Behavioral and Economic Sciences SBE, will leave SBE in December to lead the NSF Office of Information and Resource Management. A search will commence for a new SBE Deputy Assistant Director, with Clifford Gabriel, most recently the acting head of OIRM, serving in the interim. NSF is also seeking applicants for the directorships of two SBE

divisions, the Behavioral and Cognitive Sciences and the Social and Economic Sciences; applications close December 12. (Source: NSF)

BUDGET/APPROPRIATIONS

National Groups Push FY15 Omnibus in Lame-Duck Session

133 national organizations sent a letter to all members of Congress on November 12th urging them to enact an omnibus FY15 appropriations package during the lame-duck congressional session that provides strong funding for research and higher education, and, thus, helps Close the Innovation Deficit. The letter is part of a larger advocacy push - launched by the group of business, higher education, scientific, patient and other national organizations - which aims to secure greater investments for research and higher education programs and agencies in the final FY15 funding package.

While appropriations leaders in both chambers have expressed support for an FY15 omnibus bill to be considered during the lame duck session, one sticking point that is emerging is a recent announcement by President Obama that he may issue an executive order soon related to immigration. If this happens, there may be an effort by conservatives to include language or provisions barring the government from carrying out that order, which could ultimately derail an omnibus. (Source: AAU, CQ, CU)

Associations Urge Appropriators to Support Funding for Climate Science

A group of 20 higher education and scientific associations ? including CU-Boulder - sent a letter to Senate appropriators on November 10th urging them to sustain funding for the climate sciences in FY15 appropriations. The groups asked Senate appropriators to reject a number of House-passed appropriations measures and amendments that would defund or reduce federally funded climate research and restrict the availability and use of climate information. (Source: AAU)

Organizations Advocate for Strong Funding for NASA and NOAA

An informal coalition of associations, societies, and universities ? including CU-Boulder - has been meeting for several months to discuss support of civil space ? in particular, the top line budgets of NOAA and NASA. Last week, this group joined together to draft a letter to Congressional leaders in support of an omnibus for FY15 that includes the Senate-approved levels for both agencies (\$17.9 billion for NASA and \$5.42 billion for NOAA).

The group also penned a letter to OMB re: FY16 urging an increase in top-line budget requests for both agencies (\$18.8 billion for NASA and \$5.69 billion for NOAA). Signers include AAU, APLU, the Aerospace Industries Association, the American Geophysical Union, the Planetary Society, and UCAR. (Source: CU)

More Than 300 Groups Urge Restoring NIH Funding to Pre-Sequestration Level

A group of more than 300 organizations ? including the CU Anschutz Medical Campus - sent a letter to all members of the Senate on November 12th asking them to make approval of an FY15 omnibus appropriations package a priority in the lame-duck session and to use the measure to restore funding levels for the National Institutes of Health (NIH) to their pre-

sequester levels. The letter, spearheaded by the Ad Hoc Group for Medical Research, notes that the continuing use of short-term continuing resolutions (CRs) to fund medical research creates inefficiencies and impedes long-term planning by NIH and the institutions and scientists it supports across the nation. (Source: AAU)

United for Medical Research asks Appropriators to Fund NIH at \$30.45 Billion for FY15

United for Medical Research (UMR), a leading advocacy coalition for NIH funding is calling on congressional appropriators to at least match the \$30.45 billion in FY15 funding for NIH approved earlier this year by the Senate Appropriations Subcommittee on Labor-HHS-Education. Appropriations leaders are working to resolve differences between the House and Senate on appropriations in order to enact an omnibus appropriations bill for the remainder of FY15. In a November 12th letter to the Chairs and Ranking Members of the House and Senate Appropriations Committees, UMR called on them to "halt the negative trajectory of recent funding patterns" for NIH, noting that additional funding for NIH would help to close the nation's innovation deficit. (Source: AAU)

RESEARCH

Hagel Announces Strategy of Innovation to Thwart Risks to U.S. Military Superiority

Wary of a more muscular Russia and China, Defense Secretary Chuck Hagel said last week that the Pentagon will make a new push for fresh thinking about how the United States can keep and extend its military superiority despite tighter budgets and the wear and tear of 13 years of war. Hagel announced a "defense innovation initiative" that he likened to historic and successful campaigns during the Cold War to offset the military advantages of U.S. adversaries. He described a "game-changing" strategy to sharpen American's military edge in the face of budget impasses on Capitol Hill.

In a memo to Pentagon leaders in which he outlined the initiative, Hagel said the United States must not lose its commanding edge in military technology. Hagel said he is launching a long-range research and development program to find and field breakthroughs in key technology, including robotics, miniaturization and advanced manufacturing techniques such as 3-D printing. He said the Pentagon will call on the private sector and on academia for help. Read more here. (Source: Washington Post (edited))

AAU Board Statement Criticizes Science Committee Review of NSF Grants

On November 10th, the AAU Board of Directors issued a statement expressing deep concern about the House Science, Space, and Technology (SST) Committee's ongoing review of some 60 research grants issued by the National Science Foundation (NSF). The AAU statement urges the Committee "to recognize how this ill-defined investigation" is harming the scientific enterprise by potentially violating the confidentiality of the merit review process and making NSF feel pressured to fund only "safe" research and not potentially important, but odd-sounding proposals.

Rep. Lamar Smith (R-TX), chairman of the House SST Committee, issued a statement on November 11th criticizing the AAU statement, asserting that in his request for details on specific NSF grants he had not requested the names of specific grant reviewers.

AAU issued a response to Chairman Smith's criticism, noting that the Committee's letters to NSF had requested "every e-mail, letter, memorandum, record, note, text message, all peer reviews considered for selection and recommendations made to the National Science Foundation (NSF), or document of any kind that pertains to NSF's consideration and grant approvals." This makes evident, says the AAU response, that the requested materials would have included the names of outside scientific reviewers. Moreover, AAU said, the Chairman's response does not address the larger issues raised by the statement about damage to NSF and the merit review process. (Source: AAU)

China Poised To Outpace The US In R&D Spending Around 2019

Squeezed budgets in the EU, US and Japan are reducing the weight of advanced economies in science and technology research and leaving China on track to be the world's top R&D spender by around 2019. The Organisation for Economic Co-Operation and Development's Science, Technology and Industry Outlook 2014 finds that with R&D spending by most OECD governments and businesses yet to recover from the economic crisis, the OECD's share in global R&D spending has slipped from 90% to 70% in a decade. The report warns that with public finances still tight in many countries, the ability of governments to compensate for lower business R&D with public funding, as they did during the worst of the economic downturn, has become more limited. The OECD Science, Technology and Industry Outlook 2014 can be found at <http://bit.ly/1vaY9e3> [9]. (Source: OECD)

November 12, 2014

Members of Congress return to Washington, DC today after their six-week pre-election recess. Both chambers will reconvene at 2:00 pm ET today and begin addressing must-do business of the lame duck session (more details below).

ELECTION UPDATE

U.S. Senate

In Colorado's U.S. Senate race, challenger Cory Gardner (R) defeated incumbent Mark Udall (D). Nationally, the Senate Republicans picked up a number of key seats, which gives them the majority heading into the 114th Congress with a 52 seat to 45 seat advantage over the Senate Democrats. Senator Mitch McConnell from Kentucky is the front-runner to become the next Senate Majority Leader. A run-off election in Louisiana on December 6th could further add to the Republican seat total depending on the outcome.

U.S. House of Representatives

In Colorado's House races, the open seat vacated by Congressman Gardner in Colorado's 4th congressional district went to Ken Buck (R), who defeated Vic Myers (D). The remainder of Colorado's congressional delegation remained unchanged, and it should be noted that Congressman Mike Coffman (R) was able to retain his seat by defeating challenger Andrew Romanoff (D) in one of the nation's most watched House races. Overall, the Republicans added to their share of seats in the U.S. House, increasing their majority to 243 to 177, with a number of races still being determined. House Republicans will have their largest House

majority since the Great Depression, though internal divisions within the party may still lead to challenges for Speaker Boehner.

Committee Leadership Changes in Congress

After the mid-term elections, a number of leadership and policy changes will be in store for the new Congress. For some early assessments on the nature of those changes for higher education, see *What a GOP-Led Congress Means for Higher Ed* in *Inside Higher Ed*, and *What the Midterm Elections Mean for Academe* in the *Chronicle of Higher Education*. Among the committee changes that can already be anticipated for the new Congress are the following.

- Senate Health, Education, Labor, and Pensions Committee: Senator Lamar Alexander (R-TN) will assume the chairmanship, with Senator Patty Murray (D-WA) expected to take over as ranking member.
- Senate Appropriations Committee: Senator Thad Cochran (R-MS) would replace Senator Barbara Mikulski (D-MD) as chair of the full committee. Either he or Senator Richard Shelby (R-AL) is likely to take over the subcommittee that oversees the National Science Foundation, NASA, the National Institute of Standards and Technology, and the National Oceanic and Atmospheric Administration (Commerce-Justice-Science). Senator Jerry Moran (R-KS) would take over from retiring Senator Tom Harkin (D-IA) as chair of the subcommittee that funds the National Institutes of Health.
- Commerce, Science, and Transportation: Senator John Thune (R-SD) would take the reins from retiring Senator Jay Rockefeller (D-WV) on a panel that most closely follows nonmedical civilian science policy.
- Environment and Public Works: Senator James Inhofe (R-OK) would replace Senator Barbara Boxer (D-CA) on the committee that oversees the Environmental Protection Agency and its wide range of air and water regulations. Inhofe has been a vociferous critic of the agency and previously chaired the panel from 2003 to 2008.
- Energy and Natural Resources: Senator Lisa Murkowski (R-AK) would take the gavel from Senator Mary Landrieu (D-LA) on a panel that oversees public lands and a large chunk of energy development policies. Landrieu could have been knocked off her perch even without the Republican tidal wave: She faces a 6 December runoff against Republican Representative Bill Cassidy in an attempt to retain her seat.
- House Education and Workforce Committee: John Kline (R-MN)-who was re-elected handily in the face of a campaign waged against him by late-night TV host Bill Maher-is expected to retain the chairmanship, with Bobby Scott (D-VA) expected to take the top Democratic spot. Democratic committee members Tim Bishop (D-NY) and John Tierney (D-MA) failed to win re-election.
- House Appropriations Committee: Top leaders are not expected to change, with Harold Rogers (R-KY) remaining as chair and Nita Lowey (D-NY) remaining as ranking member.

(Source: AAU, Science)

Science Publishes ?After Election 2014? Series

Science Insider has published a series of in-depth articles providing outlook on a variety of research-related topics after the mid-term elections, including: advanced manufacturing, America COMPETES Act, biomedical research, STEM education, easing research regulations, the R&D tax credit, stream and wetland protection, 21st Century Cures, and fusion research. (Source: Science)

APPOINTMENTS

President Nominates Loretta Lynch as Next Attorney General

On November 9th, President Obama announced that he has nominated U.S. Attorney Loretta Lynch to be the next U.S. Attorney General. A graduate of Harvard College and Harvard Law School, Ms. Lynch rose from Assistant U.S. Attorney in the Eastern District of New York to Chief of the Long Island Office, Chief Assistant U.S. Attorney, and U.S. Attorney. Ms. Lynch will replace the current Attorney General, Eric Holder, who announced last month that he would be stepping down. (Source: White House)

BUDGET/APPROPRIATIONS

FY15 Funding Will Top Agenda for Lame Duck Session

As Congress returns for its post-election, lame duck session today, government funding for the remainder of FY15 will be at the top of its agenda. The current stop-gap measure, the continuing resolution (CR), expires on December 11th. House and Senate leaders have not announced whether they will attempt to move an omnibus FY15 appropriations measure or settle for another CR. Appropriations staffs in both chambers have apparently been working for weeks on the framework for an omnibus spending package committee leaders which they would hope to have on the floor by Dec. 8, but that tight timeline only has grown more complicated in the last week with the administration proposing \$11 billion in new Ebola and Islamic State emergency spending

House Republican leaders are said to back a year-end omnibus to provide for a fresh start in the new Congress, but they won't fully commit until they meet with their restive caucuses this week. Some rank-and-file House Republicans have talked of passing another CR and delaying final fiscal 2015 appropriations work until the new Congress, when the GOP will also have a Senate majority and can more directly challenge the White House. Conservatives are also weighing supporting an omnibus before year's end, but only if it contains some significant changes in the health care overhaul and other administration regulatory policies likely to draw Democratic resistance.

Still, aides to top appropriators in both chambers insist that a CR is not a part of appropriations discussions at this point. "All the signs we're seeing from the House and Senate Republicans indicate progress and a desire to do an omnibus early in December," said one Senate Democratic appropriations aide. The deadline for action is Dec. 11 - the date the current stop gap (PL 113-164) expires. (Source: CQ, AAU, CU)

EDUCATION

Department of Education Releases Gainful Employment Regulations

On October 31st, the Department of Education released the long-awaited "gainful employment" regulations, which apply to nearly all educational programs at for-profit institutions and non-degree programs at public and non-profit institutions. The regulations set as a condition for institutional eligibility of Title IV benefits, minimum standards for the debt/earnings ratio of graduates and require public disclosures on performance and outcomes of students, including costs, earnings, debt, and completion. Draft rules previously released would have also included student loan default rates as a metric but this was not included in the final regulations. The Department estimates that nearly 1400 programs would not pass the new regulations with 99 percent of the students being in for-profit programs. (Source: APLU)

Department Of Education Finalizes Changes To Disclosure Rules For Campus Crimes

On October 20th, the Department of Education released new regulations under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The new rules, implementing provisions of the Violence Against Women Reauthorization Act (VAWA) of 2013, closely follow the recommendations developed in a successful negotiated rulemaking session last spring and posted in draft form in June, with a few adjustments based on input during a public comment period. The Clery Act requires institutions of higher education to comply with certain campus safety- and security-related requirements as a condition of participating in the Federal student financial aid programs authorized by Title IV of the Higher Education Act. The new regulations go into effect July 1st, 2015, with best efforts to comply encouraged in the meantime. Read more here. (Source: U.S. Department of Education)

NSB Releases Online STEM Resource

The National Science Board (NSB) has released an interactive, online resource featuring new and updated data and graphics about Science, Technology, Engineering, and Mathematics (STEM) education and workforce in the U.S. and providing facts on topics such as student proficiency, college degrees in STEM fields, and jobs in science-related occupations. The resource features 60 central questions, organized by education level and the workforce, with multiple data points, graphs and maps providing the answers to each question. Users can view the latest data, consider trends, easily download both data and graphics and share these data through email and social media. Links to additional analysis are provided for each topic. (Source: NSF)

RESEARCH

PCAST Completes Fifth Review Of National Nanotechnology Initiatives

The Federal Government has invested over \$20 billion in nanotechnology research over the past 13 years under the aegis of the National Nanotechnology Initiative (NNI), helping to

create the building blocks of nanoscience. The President's Council of Advisors on Science and Technology (PCAST) recently completed its fifth review of the multiagency research efforts on October 10th, concluding that the nanotechnology community is at an important turning point.

The report says that the federal Government should accelerate activities aimed at facilitating the commercialization of nanotechnology developed through the research it has sponsored to date. To better focus the commercialization process, PCAST calls for broader engagement with the entire nanotechnology community to identify and address a series of national nanotechnology Grand Challenges, in place of the Signature Initiatives identified primarily by the participating federal agencies. The Fifth Assessment also reiterates recommendations from 2012 for creating a standing Nanotechnology Steering Committee of outside experts and developing and tracking the metrics needed to quantify the performance of the Federal nanotechnology portfolio. Little activity has occurred that is responsive to these two important recommendations, say the authors. Read more from OSTP here: (Source: PCAST, OSTP)

Op-Ed: How To Stop Winning Nobel Prizes In Science: Washington's Vacillating Commitment To Basic Research Makes Scientific Breakthroughs Less Likely

On October 15th, the Wall Street Journal published an op-ed (may require subscription) written by Nobel Prize recipients Thomas Cech, CU-Boulder Professor and Director of the BioFrontiers Institute, and Steven Chu, professor at Stanford University and former U.S Secretary of Energy. The authors explain that scientific discovery requires "decades of dedicated research" and note that research is not "simple or inevitable." They add, "For decades, federal funding for basic research has looked more like a roller coaster than a steady march. This vacillation in the government's commitment to basic research makes strategic planning all but impossible for the nation's research institutions including universities, medical schools and national laboratories, and the companies they partner with." In closing, they urge readers "reflect on the long path to discovery and the benefits that research brings" as they celebrate the recently announced Nobel Prize winners. (Source: Ad Hoc Group, CU)

CU at DC

CIRES Director Participates in Leadership Forum on NASA/NOAA Advocacy

CU-Boulder Professor and CIRES Director Waleed Abdalati participated in a Leadership Forum in Washington DC on October 21st organized by a newly formed Coalition for Aerospace and Science. This Coalition, which CU-Boulder has been actively involved in forming, aims to advocate for robust funding for both NASA and NOAA. Members include the Aerospace Industries Association (AIA), the American Geophysical Union (AGU), the Association of American Universities (AAU) and the Association of Public and Land Grant Universities (APLU). Other participants in the Leadership Forum included Dr. Steve Squyers, head of the NASA Advisory Council; Dr. Bobby Braun, Professor at Georgia Tech and former CTO at NASA; Dr. Scott Pace, Director of George Washington University's Space Policy Institute; and a variety of Congressional staffers involved in oversight of NASA and NOAA. (Source: CU)

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- [9] <http://bit.ly/1vaY9e3>