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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].

February 16, 2015

Both chambers of Congress are in recess this week for President's Day Holiday.

APPOINTMENTS

Secretary of Defense Confirmed by Senate

Ashton B. Carter, a physicist with long experience in national security circles, won Senate confirmation February 12th as Secretary of Defense, becoming President Obama's fourth pick in six years to lead the Pentagon. The Senate voted 93 to 5 to approve Carter's nomination, paving the way for him to be sworn into office sometime in the next few days. Carter, 60, will replace Chuck Hagel, the former Republican senator from Nebraska who agreed in November to step down. Carter will return to the Pentagon just 14 months after he resigned as deputy secretary of defense. He previously served as the Pentagon's chief weapons buyer and also as a senior defense official during the Clinton administration. (Source: Washington Post)

EDUCATION

Senators Release Task Force Report On Streamlining Higher Education Regulations

Four members of the Senate Health, Education, Labor and Pensions (HELP) Committee on February 12th announced release of a report entitled Recalibrating Regulation of Colleges and Universities [3]they had commissioned which calls for streamlining the Department of Education's regulation of colleges and universities and offers recommendations for doing so. Committee Chairman Lamar Alexander (R-TN)—who was joined in convening the group by Senators Barbara Mikulski (D-MD), Richard Burr (R-NC), and Michael Bennet (D-CO)—formed the Task Force in November 2013 with the goal of conducting a bipartisan review of U.S. Department of Education regulations and reporting requirements that could inform the reauthorization of the Higher Education Act. The report was prepared by the Task Force on Federal Regulation of Higher Education, which included CU President Bruce Benson and was co-chaired by Vanderbilt University Chancellor Nicholas S. Zeppos and University of Maryland System Chancellor William Kirwan, with staffing support from the American Council

on Education (ACE).

The Task Force identified specific regulations of major concern to higher education institutions, including “problematic financial responsibility standards, confusion and inconsistency in reporting requirements for campus crime, overreach in authorization of distance education programs, inefficient rules concerning verification of financial aid eligibility, counterproductive micromanagement of the accreditation process, and policies that result in consumers being inundated with information of questionable value.” The panel also reviewed the processes by which higher education regulations are developed and implemented, and “offers several specific ideas for improvement.” A hearing before the Senate HELP Committeee will be held on February 24th. (Source: AAU, CU)

AAU and Comments on Department of Education’s Proposed College Rating System

On February 3rd, the Association of American Universities (AAU) submitted detailed comments [4]to the Department of Education on the agency's proposed college rating system. The comment letter builds on earlier comments submitted to the Department in January 2013 [5] and December 2013 [6]. It states that AAU believes that providing students and families with clear, accurate, and useful information about higher education institutions is an appropriate federal role. But AAU asserts that it is inappropriate for the federal government to rate institutions. CU-Boulder also intends to submit comments on the ratings proposal, for more information contact Heather Bené in the Office of Government Relations. (Source: AAU, CU)

RESEARCH

House Passes Bipartisan Bill Setting NASA Policy

The House of Representatives passed the National Aeronautics and Space Administration Authorization (NASA) Act of 2015, H.R. 810, by voice vote on February 10th that would establish important policy for NASA if enacted into law. The bill, originating in House Committee on Science, Space, and Technology, was almost identical to legislation passed by the chamber last year by a vote of 401-2. A counterpart bill was never brought before the Senate.

Bipartisanship was mentioned frequently by Members speaking in support of this bill. That was not always true as this legislation was developed; in July 2013 the five hour markup session of the bill was characterized by deep divisions about the bill's authorization levels for NASA. The Science Committee avoided this impasse in H.R. 810 by working around it, setting the authorization level for only the current year, FY 2015, and making this level the same as what NASA received in the FY 2015 appropriations bill. Rep. Donna Edwards (D-MD), the ranking member of the Space Subcommittee of the House Science, Space and Technology (SS&T), stressed that once this bill is enacted, work will begin on a multi-year authorization bill.

Only two pages of the 128-page bill center on funding. The remainder of the bill sets program and policy direction for NASA in the areas of human space flight, science (including astrophysics, planetary science, heliophysics, and earth science), aeronautics, space technology, education, and twenty-seven separate policy provisions.

None of the committee members suggested that the bill was perfect as it was written, but all recognized the importance of Congress setting forth guidance for NASA and its programs. Read more from Space Policy Online here. A one-page summary of the bill is available here. (Source: AIP FYI, Space Policy Online)

Academies Releases Report on Climate Intervention

Last week, the National Research Council released a two-volume report on proposed climate-intervention techniques. CU-Boulder Professor Waleed Abdalati served on the panel that oversaw the report. According to the NRC release, "There is no substitute for dramatic reductions in greenhouse gas emissions to mitigate the negative consequences of climate change, a National Research Council committee concluded in a two-volume evaluation of proposed climate-intervention techniques. Strategies to remove carbon dioxide from the atmosphere are limited by cost and technological immaturity, but they could contribute to a broader portfolio of climate change responses with further research and development. Albedo-modification technologies, which aim to increase the ability of Earth or clouds to reflect incoming sunlight, pose considerable risks and should not be deployed at this time." Read more from NRC here [7]and from Science Insider here [8]. (Source: ScienceInsider, NAS, CU)

Mikulski, Cardin Introduce Bill to Increase NIH Funding

Senate Appropriations Committee Ranking Member Barbara Mikulski (D-MD) and Senator Ben Cardin (D-MD) on Jan. 29th introduced [9]the Accelerating Biomedical Research Act (S. 318), which would allow Congress to restore the purchasing power of the NIH's budget to what it would have been if it had kept up with inflation since 2003 by creating a new Budget Control Act cap adjustment for NIH.

In a Feb. 5th press release, Ranking Member Mikulski said, "The bill modifies the budget to allow the Appropriations Committee to provide NIH with increasing resources over the six year period from FY 2016-2021, up to a total of $45 billion in the final year of the Budget Control Act. This amount is sufficient to replace what has been lost to inflation over the last decade. The bill plans for an initial bump of 10 percent in each of the first two years to quickly mitigate the lingering effects of sequester, followed by six percent increases each year thereafter."

The House version of the bill was introduced by Reps. Rosa DeLauro (D-Conn.), Brian Higgins (D-N.Y.), and Peter King (R-N.Y.) on Jan. 26. (Source: Ad Hoc Group for Medical Research)

TECH/IP

Higher Education Associations Detail Concerns About House Patent Reform Bill

On February 5th, a group of six higher education associations that have been working together on patent reform issued a statement [10] expressing serious concerns about the Innovation Act (H.R. 9 [11]), legislation introduced in the House. The bill is intended to address the abusive litigation practices of "patent trolls," a goal shared by the associations, but they asserted that the legislation would go too far and cause damage to the U.S. patent system.

H.R. 9, which the sponsors say is identical to the measure (H.R. 3309 [12]) approved by the House in 2013, was introduced [13]by a bipartisan group of House Members, led by House Judiciary Committee Chairman Bob Goodlatte (R-VA).

The associations said they support legislation to target those who abuse the patent system, but they could not support the Innovation Act, as drafted. The measure is so broad, they said, that it would substantially raise the costs and risks associated with patenting, thus discouraging technology transfer of university research to the private sector. CU will also be weighing in with the Colorado delegation on the bill's impact to CU tech transfer and startups. (Source: AAU, CU)

CU at DC

Institute of Behavioral Science Director Visits DC

Dr. Myron Gutmann, Director of CU-Boulder's Institute for Behavioral Science (IBS), visited Capitol Hill on February 4th to educate Colorado's Congressional Delegation on the research being conducted at IBS. Dr. Gutmann met with staff from the offices of Senators Gardner and Bennet and Reps. Polis, Perlmutter, DeGette, and Buck to discuss research ranging from youth violence to natural hazards response. (Source: CU)

February 4, 2015 - President's FY 2016 Budget Request

Summary of President Obama's FY 2016 Budget Request

On February 2, 2015, President Obama released the Fiscal Year (FY) 2016 Budget Request to Capitol Hill. The President's $4 trillion budget provides $1.091 trillion in discretionary spending for FY2016, $74 billion above the sequestration spending caps enacted in the 2011 Budget Control Act (PL 112-25). The proposed budget funds defense discretionary spending at $561 billion ($38.2 billion over its FY16 spending cap) and nondefense discretionary spending at $530 billion ($37 billion over its FY16 spending cap). The budget request is very favorable to most research and education agencies of importance to CU, however given the overall spending levels requested it is likely to meet resistance in the Republican-controlled Congress. Please note that the level of detail varies by agency, based on the information released to the public. We expect additional details to be provided in the coming weeks. If you have any questions, please don't hesitate to contact the Office of Government Relations.

Following are initial budget highlights for agencies of interest to CU. Please note that the level of detail varies by agency, based on the information released to the public. We expect

additional details to be provided in the coming weeks.

Department of Education (Ed)

- Top-line funding: $70.7 billion in discretionary spending (up $2.6 billion, a 5.4% increase above the FY2015 enacted level).
- Key investments are targeted to improve access, affordability, and student outcomes in college.
- Pell Grant program. Funds the Pell maximum award at an estimated $5,915 (an increase of $140 from the current level) and uses savings from reforms to the Perkins program to tie the maximum award to inflation beyond 2017, a $29.7 billion investment. The budget strengthens academic progress requirements in the Pell program, and provides $647 million for a College Opportunity and Graduation Bonus program to reward schools that successfully graduate a significant number of low- and moderate-income students on time. It does not reinstate year-round Pell.
- Campus Based Aid. Flat funds campus-based student aid programs, including Federal Work-Study ($989.7 million) and Supplemental Educational Opportunity Grants (SEOG) ($733 million). The budget proposes to restructure the Perkins Student Loan Program to allow for increased lending authority, providing $8.5 billion in new loan volume annually. Savings from the plan, estimated at $6 billion in outlays over 10 years, would be redirected to the Pell Grant program. Under the new unsubsidized Perkins program, the Department of Education, rather than institutions, would service loans, and lending authority would be allocated among institutions in the same manner as other campus-based programs. Notably, the budget proposes a new allocation formula for all campus based aid, directing funds toward institutions that enroll and graduate higher numbers of Pell-eligible students, and that offer an affordable and quality education that enables their graduates to repay their educational debt.
- America’s College Promise. The President’s proposal to make two years of community college education free is funded at $1.36 billion in the first year and $60 billion over 10 years. The new grant program would provide funding to states that agree to waive tuition and fees at community colleges for eligible students, match federal funds, and undertake a set of reforms to improve the quality of community colleges.
- The budget proposes to simplify the Free Application for Federal Student Aid (FAFSA), eliminating up to 30 questions.
- Provides $200 million (up $140 million from 2015) for the First in the World fund as an evidence-based effort to improve educational outcomes. $860 million (up $20 million from 2015) is provided for innovative, evidence-based approaches in the TRIO programs.
- Pay-As-You-Earn (PAYE). The Administration is once again proposing to extend PAYE to all student borrowers and streamline the current program into a single income-driven repayment program.
- The budget does not include funding for implementing the proposed White House College Ratings Framework.

Department of Commerce

National Oceanic and Atmospheric Administration (NOAA)

- Top-line funding: $5.98 million (up $544 million from the FY 2015 enacted level)
- Oceanic and Atmospheric Research: $507 million (up $54 million from 2015)
- $2.2 billion for satellite programs, including the next generation of polar-orbiting and geostationary satellite systems that are critical to weather forecasting. The request transfers the Total and Spectral Solar Irradiance Sensor (TSIS), built by CU-Boulder's Laboratory for Atmospheric and Space Physics, from NOAA jurisdiction to NASA jurisdiction.
- Language in the budget request calls for moving NOAA to the Interior Department from the Commerce Department. Interior Secretary Sally Jewell has said that the agency has not been advocating for this move and its implementation is unlikely.

National Institute of Standards and Technologies (NIST)

- National Network for Manufacturing Innovation (newly authorized): $150 million to launch seven new institutes in 2016. There are currently nine institutes that have been funded through existing agency resources. The budget calls for the full investment needed to complete a national network of 45 manufacturing institutes.
- Hollings Manufacturing Extension Partnership (MEP): $141 million (up $11 million from the FY2015 enacted level)
- Advanced Manufacturing Technology Consortia: $15 million (flat from 2015)

Economic Development Administration (EDA)

- Regional Innovation Strategies Program: $25 million requested to promote economic development planning and projects that spur entrepreneurship and innovation at the regional level.

Department of Defense (DoD)

- Research, Development, Test & Evaluation (RDT&E): $69.976 billion (up $6.3 billion, a 9.8% increase from the FY2015 enacted level)
- Science and Technology (S&T) programs: $12.3 billion (up $251 million, a 2.1% increase from 2015). Within the S&T total, funding for basic research and advanced technology development would be reduced, while funding for applied research would be increased. Specifically:
    - Basic Research (6.1): $2.089 billion (down $189 million, an 8.3% decrease from 2015);
    - Applied Research (6.2): $4.713 billion (up $507.8 million, a 1.4% increase from 2015); and
    - Advanced Technology Development (6.3): $5.46 billion (down $67.6 million, a 1.2% decrease from 2015).
- Defense Advanced Research Projects Agency (DARPA): $2.9 billion (up $56 million, a 1.9% increase from 2015)

- The budget also funds the Defense Innovation Initiative (DII), a new DoD effort to identify and invest in unique ways to advance U.S. military superiority for the 21st century, including investments in a long-range research and development program designed to identify new technologies and their uses; innovative leadership; war-gaming; operational concepts; and innovative business practices.

Department of Energy (DOE)

- Top-line funding: $29.923 billion (up $2.6 billion, a 9.2% increase from the FY2015 enacted level)
- Office of Science (SC): $5.34 billion (up $272 million, a 5.3% increase from 2015) to lead basic research in the physical sciences and develop and operate cutting-edge scientific user facilities while strengthening the connection between advances in fundamental science and technology innovation.
- Advanced Research Projects Agency-Energy (ARPA-E): $325 million (up $45 million, a 16.1% increase from 2015)
- Office of Energy Efficiency and Renewable Energy (EERE): $2.723 billion (up $809 million, a 42.3% increase from 2015) to continue a diverse suite of sustained investment in development of renewable generation technologies, sustainable transportation technologies, and development of manufacturing technologies, and enhanced energy efficiency.
- Fossil Energy Research and Development: $560 million (down $587,000, a 0.1% decrease from 2015) to advance carbon capture and storage and natural gas technologies.
- Nuclear Energy: $908 million (up $74 million, an 8.9% increase from 2015) for ongoing research and development in advanced reactor and fuel cycle technologies.

Department of Interior

U.S. Geological Survey (USGS)

- Top-line funding: $1.195 billion (up $150 million, a 14% increase from the FY2015 enacted level)
- USGS Water Resources Research Act: $222 million (up $12 million from 2015)
- Water Resources Research Institutes: $6.5 million (flat from 2015)
- Cooperative Research Units (CRU) program: $19.992 million (up $2.621 million from 2015)
- Consistent with the Administration's open data initiative, the budget continues investments across multiple agencies in improving the accessibility and usability of Earth-observing data.

Department of Health and Human Services (HHS)

National Institutes of Health (NIH)

- Top-line funding: $31.311 billion (up $1.2 billion over the FY2015 enacted level, a 4% increase)
- NIH Grant funding. Supports an estimated 35,447 grants, including 1,227 more new and competing grants than in FY2015. The expected applicant success rate is estimated at 19.3%, up from 17.2%.
- Precision Medicine Initiative. Provides $215 million to launch a Precision Medicine initiative that will accelerate the ability to improve health outcomes and better treat diseases like cancer and diabetes by using patient-powered research and targeted treatments.
- Some NIH priorities include: $135 million (up $70 million) for the Brain Research through Advancing Innovative Neurotechnologies (BRAIN) Initiative; $100 million for the NIH's work on the National Strategy for Combatting Antibiotic-Resistant Bacteria; and $638 million (up $50 million) for Alzheimer's research. In addition, the budget provides support for vaccine development (especially for influenza and HIV/AIDS) and the Accelerating Medicines Partnership. NIH also continues to stress the importance of workforce sustainability and diversity, as well as its big data initiative.

Health Resources and Services Administration (HRSA)

- Title VII Health Professions and Title VIII Nursing Workforce Development programs: $238 million for Title VII (down 6.7% from the FY2015 enacted level) and $232 million for Title VIII (flat from 2015).
- Health Workforce Diversity Program: $14 million is provided for this new initiative that will promote diversity in the health workforce. Meanwhile, the budget eliminates the Title VII Health Careers Opportunity Program (funded at $14 million in 2015) and the Title VII Area Health Education Centers program.
- Title VII Public Health and Preventative Medicine: $17 million (a 19% decrease from 2015)

Independent Agencies

National Aeronautics and Space Administration (NASA)

- Top-line funding: $18.53 billion (up $519 million from the FY2015 enacted level, a 2.9% increase)
- NASA Science Mission Directorate (SMD): $5.29 billion (up $43.9 million from 2015). Within SMD, the FY2016 Budget would provide:
    - $1.947 billion for Earth Science (up $174.8 million from 2015);
    - $1.361 billion for Planetary Science (down $76.6 million);
    - $709 million for Astrophysics (up $24.3 million);
    - $620 million for the James Webb Space Telescope (down $25.4 million); and
    - $651 million for Heliophysics (down $11.2 million).
- Aeronautics: $571.4 million (down $79.6 million from 2015). Since Congress

appropriated additional money for Aeronautics in F20Y15, NASA will be able to support and initiate projects that were initially scheduled for FY2016.
- Space Technology: $724.8 million (up $128.8 million from 2015), with added funding directed to Space Technology grants.
- Office of Education: $88.9 million (down $30 million from 2015). Within Education, Space Grant is funded at $24 million (down $16 million from 2015) and NASA is requesting $20 million in the Astrophysics account for STEM education activities across the agency. NASA continues efforts to consolidate its education programs into a more focused portfolio within the Office of Education.

National Science Foundation (NSF)

- Top-line funding: $7.724 billion (up $379.8 million, a 5.2% increase from the FY2015 enacted level)
- Research and Related Activities: $6.186 billion (up $253 million, an increase of 4.3% over 2015)
- Education and Human Resources: $963 million (up $96.57 million, an increase of 11.2% over 2015)
- Major Research Equipment and Facilities Construction: $200.3 million (down $450,000, a slight reduction of 0.2% from 2015)
- Agency Operations and Award Management: $355 million (up $30 million, a 9.2% increase over 2015)
- NSF proposes to increase the impact of its investments and operational efficiency by expanding public access to the results of research and to reduce the cost of processing its research grant proposals.
- Other NSF priorities include: $257 million for multidisciplinary research targeted at new materials, smart systems, advanced manufacturing technologies, and robotics technologies; $30 million for the Innovation Corps (i-Corp) program; $72 million for the cross-agency BRAIN Initiative; $377 million in clean energy investments to support research and education in alternative forms of energy; and $1.2 billion for STEM education activities, with $135 million to improve the retention of undergraduate STEM majors and improve undergraduate teaching and learning in STEM subjects to meet the President's goal of preparing 1 million more STEM graduates over a decade.

National Endowment for the Humanities (NEH)

- Top-line funding: $147.9 million (a $1.9 million increase over the FY2015 enacted level)
- The total includes $104 million for the Endowment’s grant programs; $5.5 million for NEH Chairman Adams’ initiative – The Common Good: The Humanities in the Public Square – in support of projects that demonstrate the role the humanities can play in public life; and $10.9 million in federal matching funds. The latter includes funding for the NEH Challenge Grants program to help stimulate and match private donations in support of humanities institutions and organizations.

Tax Policies

The FY16 budget includes several tax-related proposals of interest to universities, including:

- Permanently extends the American Opportunity Tax Credit (AOTC), which is scheduled to expire on December 31, 2107. It improves coordination between AOTC and Pell grants so that Pell does not count against students' eligibility for the refundable portion of the tax credit; increases refundability to $1500; extends availability from four years to five; and creates a part-time AOTC credit for students attending school less than half-time. The expanded AOTC would become a replacement for the Hope Scholarship credit, the Lifetime Learning Credit, and the student loan interest deduction.
- As in previous years, the budget calls for capping the value of the deduction for charitable contributions to organizations such as colleges and universities at 28 percent for high-income taxpayers. It would also eliminate the tax deduction that allows donors to deduct 80% of contributions to colleges and universities made in exchange for special rights to purchase seating at athletic events.
- The budget would require institutions of higher education to report the amounts students paid, rather than the amounts they are billed on Form 1098-T. Presently, universities may report either amounts paid or billed.
- The budget would make permanent and simplify the research and experimentation (R&E) tax credit. The budget proposal would increase the top rate of the alternative simplified research credit (ASC) from 14 percent to 18 percent; eliminate the reduced ASC rate of six percent for businesses without qualified research expenses in the prior three years; and permit the credit to offset alternative minimum tax liability. In addition, contract research expenses would include 75 percent of payments to qualified nonprofit organizations, such as educational institutions, for qualified research.

February 2, 2015

The President will release his FY16 budget request later today. We will send a detailed update on the budget request in coming days.

APPOINTMENTS

Polis Named Ranking Member of Health, Employment, Labor, Pensions Subcommittee

On January 27th, the Democratic Caucus announced that Representative Jared Polis (CO-02) will be the Ranking Member of the Education and Workforce Subcommittee on Health, Employment, Labor, and Pensions. He will also serve on the Subcommittee on Higher Education and Workforce training. Polis has served on the Education and the Workforce Committee since he was elected to Congress in 2008, and this will be his first term as a Ranking Member. (Source: Office of Rep. Polis)

Craig McLean Named as Assistant Administrator for OAR

On January 21th, the National Oceanic and Atmospheric Association (NOAA) announced that Craig McLean was selected as Assistant Administrator for NOAA's Office of Oceanic and Atmospheric Research (OAR). Prior to this appointment, McLean served as Deputy Assistant Administrator for OAR's Programs and Administration. Craig also served as Executive Officer of the National Ocean Service, and was the founding Director of NOAA's Office of Ocean Exploration. (Source: NOAA)

BUDGET/APPROPRIATIONS

State of the Union Address and Higher Education

Higher education played a prominent role in President Obama's State of the Union address [14] last week. In advance of the FY 2016 budget release expected later today, the President proposed to raise taxes on wealthy taxpayers and financial institutions and use the revenues for a number of purposes, including his already-announced proposal to make two years of community college education free, consolidating higher education tax breaks, and expanding eligibility for Pell Grants. He couched these plans as part of his larger domestic theme of ensuring U.S. economic competitiveness and promoting greater economic equality. It is unclear whether any pieces of these proposals will be embraced by the Republican-led Congress.

The President also mentioned the importance of scientific discovery and basic research in his speech, stating, "...when it comes to issues like infrastructure and basic research, I know there's bipartisan support in this chamber. Members of both parties have told me so. Where we too often run onto the rocks is how to pay for these investments..."

President Obama also said he plans to launch a new initiative on "precision medicine," which uses an individual's specific genetic make-up in finding disease treatments. Read more about this initiative here [15]. (Source: AAU, White House)

RESEARCH

21st Century Cures Legislation Introduced

House Energy and Commerce Committee Chairman Fred Upton (R-MI), who has been working on a bipartisan effort with Rep. Diana DeGette (D-CO) to accelerate medical innovation, known as the 21st Century Cures Initiative released draft legislation earlier this week. The 400-page discussion draft [16]released by Chairman Upton comprises a number of smaller bills and proposals primarily related to the National Institutes of Health (NIH) and the Food and Drug Administration (FDA). For NIH, these include proposals aimed at assisting young scientists, a call for NIH to develop a strategic plan and examine regulatory burden, and support for high risk, high reward research.

Although the discussion document was released without Democratic support, Rep. DeGette offered support for continuing the bipartisan effort; other Democrats criticized the proposal for

not explicitly including additional funding for NIH. (Source: AAU, CU)

National Academies Launches Panel to Review Research Regulations

On January 20th, the National Academies' Committee on Science, Technology, and Law announced the launch [17]of its panel to review federal research regulations and reporting requirements that affect universities. The committee will be chaired by Larry Faulkner, president emeritus of the University of Texas at Austin. (Source: AAU)

NRC Creates Forum to Improve Public Understanding of Social and Behavioral Sciences

The National Research Council (NRC) has created a new forum [18]whose purpose is to improve public understanding of the value and importance of the social and behavioral sciences (SBS). The Roundtable on the Application of Social and Behavioral Science Research will develop ways to communicate how SBS research is being used by industry, education, the military, public health and other user communities. (Source: AAU)

NIH: One Grant Limit

The National Institutes of Health (NIH) is imposing a strict one-grant limit [19]on scientists who already have plentiful no-strings support. The move could free up at least $6 million, or 25 grants for other scientists. The National Institute of General Medical Sciences (NIGMS) made the announcement on January 13: “Investigators with substantial, long-term, unrestricted research support may generally hold no more than one NIGMS research grant,” a notice says. The rule will apply to researchers who already have at least $400,000 per year in research funding not tied to a specific project (not including salary or overhead costs). (Source: Science Insider, NIH)

TECH/IP

Patent Coalition Expresses Concerns About Potential Patent Litigation Legislation

A group of more than two hundred organizations, including the Association of American Universities (AAU) and the Association of Public and Land-grant Universities (APLU), joined in a letter [20]sent to House and Senate judiciary committee leaders on January 21 that expresses concerns about potential patent litigation legislation that might emerge in the 114th Congress. The letter acknowledges that the behavior of so-called patent trolls is a problem, but urges that any legislation intended to address abusive litigation behavior should not overreach in a way that weakens the overall patent system. The letter also describes several major judicial and administrative developments that have positively reshaped the patent landscape since Congress last considered the issue. It asks the committee leaders to take these changes into account when drafting any legislation. (Source: AAU)

CU at DC

School of Ed Associate Dean for Research Visits DC

On January 26th, Joseph Polman, Associate Dean for Research in CU-Boulder’s School of

Education, visited Capitol Hill to meet with legislative staff from the offices of U.S. Senators Bennet and Gardner and Representatives Polis and Perlmutter. Polman discussed the National Science Foundation's (NSF) Cyberlearning program, including his project "Teaching STEM Literacy through Infographics," as well as the range of NSF-funded programs in CU-Boulder's School of Education. (Source: CU)

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 [21] or Heather Bené in our DC office at heather.bene@cu.edu [22].

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 [23].

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 [24]. (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 [25]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 [26]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 Statesover 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 calledguns 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 Atmoshperic 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, whichoversees NASA, NOAA, NSF, and NIST, for the 114the 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 statedgoal 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 "cromnibus" 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) toinclude 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 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, theSenate passed the same package. The package contains tax benefits important to higher education, including the IRA Charitable Rollover, the above-the-linededuction for qualified tuition and related expenses, and the research & development tax credit. Approval of the retroactive extension pushes off tonext 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). Thehigher 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 ofpatent 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 million 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.

Groups audience:
Office of Government Relations

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