



AAU WEEKLY WRAP-UP

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CONTENTS

CONGRESSIONAL SCHEDULE *NEW*

BUDGET & APPROPRIATIONS

FY09 Omnibus Appropriations Bill Enacted *UPDATED*

Congressional Focus Turns to FY10 Budget *NEW*

House Budget Committee Questions Education Secretary about FY10 Budget Proposals *NEW*

EXECUTIVE BRANCH

The President Signs Executive Order on Stem Cell Research

Executive Memorandum Aims to Protect Scientific Integrity in Federal Decision Making Process

CONGRESSIONAL SCHEDULE *NEW*

The House and Senate did not meet today.

CQToday reports that the House and Senate next week will alternate consideration of two bills: an omnibus public lands measure (S. 22) and legislation to expand national public service programs, such as AmeriCorps (H.R. 1388). On Monday, the Senate will begin consideration of the public lands bill; the House will take up the national service bill. Later in the week, the Senate is expected to consider the national public service bill and the House will try once again to approve the public lands bill. (The House failed to pass that bill under suspension of the rules on March 11.)

BUDGET & APPROPRIATIONS

FY09 OMNIBUS APPROPRIATIONS BILL ENACTED *UPDATED*

President Obama signed into law the FY09 omnibus appropriations bill (P.L. 111-8) on March 11, providing full-year funding for the nine out of 12 FY09 appropriations bills that had not been completed last year. He said he was signing the law despite [reservations](#) about its 8,500-plus congressional earmarks.

The Senate approved the bill (H.R. 1105) on March 10 by voice vote after agreeing to invoke cloture by a vote of 62 to 35. The House had approved the \$410-billion measure February 25.

Final Senate action came after seven days of floor consideration during which Senate Democratic leaders struggled to find the 60 votes needed to invoke cloture and to fend off Republican amendments aimed at reducing the overall cost of the bill, highlighting some of its earmarks, and addressing various policy issues. Hanging over the proceedings was a warning

from House Speaker Nancy Pelosi (D-CA) that if the Senate amended the House-approved bill—thus requiring the House to take another vote on the package—she would consider dropping the bill altogether and simply extending the current continuing resolution through the end of the fiscal year.

With only the Defense, Homeland Security, and Military Construction-Veterans Affairs bills completed last year, Congress has been funding the rest of the government, mostly at FY08 levels, through continuing resolutions. The last continuing resolution was scheduled to expire at midnight March 11. The new measure funds the remaining nine bills through September 30, the end of the fiscal year.

Overall, the \$410-billion bill provides an increase of about \$31 billion over FY08 funding for the agencies included in the package, an increase of about eight percent. The measure contains significant funding increases for research and higher education programs.

General summaries of the legislation, along with the bill language and reports, are available [here](#).

AAU's chart showing funding for AAU priority agencies can be found [here](#). Following are the research and higher education highlights of the FY09 package.

Research

National Institutes of Health (NIH). The measure funds NIH at \$30.3 billion, a \$938-million or 3.2-percent, increase over the FY08 level.

Report language makes permanent PubMed Central. This is the NIH archive that provides free public access to accepted manuscripts reporting the results of research funded wholly or in part by NIH within 12 months after those results are published in a peer-reviewed journal. AAU strongly supports PubMed Central and has joined with the National Association of State Universities and Land-Grant Colleges in [opposing](#) legislation that would end it.

National Science Foundation (NSF). The FY09 omnibus package provides \$6.5 billion for NSF, an increase of \$425 million, or seven percent, over FY08. Included in the total is \$5.2 billion for Research and Related Agencies and \$845 million for Education and Human Resources.

NASA. The space agency will receive \$17.8 billion overall, or \$473 million above the FY08 level. Included within the total are \$4.5 billion for Science, \$500 million for Aeronautics, \$3.5 billion for Exploration Systems, and \$169 million for Education.

Department of Energy Office of Science. The Office receives \$4.77 billion, which is \$755 million, or nearly 19 percent, above the FY08 level. Within that total, \$1.57 billion will go to Basic Energy Sciences, which includes \$100 million, the amount contained in the budget request, for the new Energy Frontier Research Centers program. The bill also includes \$15 million for a new Advanced Research Projects Agency, or ARPA-E, at the Department of Energy.

National Endowment for the Humanities (NEH). The measure provides NEH with \$155 million, a 10.3-million, or seven percent, increase over FY08.

Student Aid

Pell Grants. Funding for the Pell Grant program will increase to \$17.3 billion, a \$3-billion, or nearly 22-percent, increase over FY08. When combined with the Recovery Act funds and mandatory funds, the total maximum grant for school year 2009-10 will rise to \$5,350.

International Education Programs. Funding for these programs rises to \$119 million, an increase of \$10 million, or more than nine percent, above FY08 funding.

GAANN and Javits Fellowships. Funding for these two programs will be \$41 million, an increase of \$2 million, or four percent, over the FY08 level.

CONGRESSIONAL FOCUS TURNS TO FY10 BUDGET *NEW*

With the FY09 appropriations process completed, attention has turned to the FY10 budget.

The Obama Administration issued an outline of the President's FY10 budget on February 26, with mainly top-line budget information for agencies of concern to research universities. (See the February 27 AAU Weekly [Wrap-up](#) and the House Budget Committee [website](#) for additional information.) The Administration is expected to submit a complete budget in April.

According to CQToday, House and Senate Democratic leaders say they want to approve their respective FY10 budget resolutions before the spring recess, which begins April 4. This would mean the House and Senate budget committees would likely mark up their versions of the budget resolution the week of March 23, well before they would see details from the Administration.

Office of Management and Budget Director Peter Orszag told members of the Senate Budget Committee at a March 10 hearing that this is not unusual with a new presidential administration. He cited a Congressional Research report showing that both the House and Senate had approved their respective budget resolutions before receiving budget details from President Clinton in 1993 and President Bush in 2001.

However, complicating the FY10 budget process are the Administration's controversial proposals to make major policy changes in such areas as health care and student aid (see item below) and to institute a cap-and-trade system for greenhouse gas emissions.

Republican leaders in the House and Senate have launched a joint effort to challenge the Administration's proposals. CQToday reports that House Republicans plan to offer a complete alternative budget proposal and that Senate Republicans will offer specific alternatives to individual elements in the President's plan.

HOUSE BUDGET COMMITTEE QUESTIONS EDUCATION SECRETARY ABOUT FY10 BUDGET PROPOSALS *NEW*

Education Secretary Arne Duncan faced strong questioning from members of the House Budget Committee March 12 about the Administration's plan to change major student aid programs through the FY10 budget process.

Specifically, some Members expressed concern about the Administration's proposal to fund the Pell Grant program as an entitlement rather than through the annual appropriations process and to raise the maximum award each year by inflation plus one percent. Some also expressed

concern about the plan to eliminate subsidies to private student loan lenders and require all new student loans made after July 1, 2010, to be originated through the federal Direct Loan program.

The Secretary's [statement](#), available on the Committee's website, also provides a few additional details on the expanded Perkins Loan program proposal.

EXECUTIVE BRANCH

THE PRESIDENT SIGNS EXECUTIVE ORDER ON STEM CELL RESEARCH

President Obama on March 9 lifted the ban on using federal funds for research on embryonic stem cell lines created after August, 2001, an action he promised during the Presidential campaign. "Ultimately, I cannot guarantee that we will find the treatments and cures we seek," the President [said](#). "No President can promise that. But I can promise that we will seek them—actively, responsibly, and with the urgency required to make up for lost ground..."

The [order](#) tasks the Department of Health and Human Services, through the director of the National Institutes of Health, with developing guidelines for the research, including provisions "establishing appropriate safeguards."

AAU issued a [statement](#) expressing the association's appreciation for the executive order. The statement reads, in part, "For too long, our nation's scientists have been shackled, denied vital federal funding, while our scientific competitors in other countries have performed groundbreaking research using human embryonic stem cells. Today, those shackles come off, and for that, we thank President Obama and his Administration."

The new executive order overturns the order issued by President Bush on August 9, 2001, which limited federal research funding to embryonic stem cell lines already in existence on that date. The new order does not lift the congressional ban on the use of federal funds to create new embryonic stem cell lines. That change would require legislation. But it will allow scientists to use federal funding to study the hundreds of new cell lines that have been created since 2001.

EXECUTIVE MEMORANDUM AIMS TO PROTECT SCIENTIFIC INTEGRITY IN FEDERAL DECISION MAKING PROCESS

The President also on March 9 issued a presidential [memorandum](#) aimed at protecting science involved in decision making in the executive branch from political influence. The memorandum assigns to the Director of the Office of Science and Technology Policy responsibility for developing a plan designed to "guarantee scientific integrity throughout the executive branch."

In his [remarks](#) on March 9, the President said the policy should ensure that, "we base our public policies on the soundest science; that we appoint scientific advisors based on their credentials and experience, not their politics or ideology; and that we are open and honest with the American people about the science behind our decisions. That is how we will harness the power of science to achieve our goals – to preserve our environment and protect our national security; to create the jobs of the future, and live longer, healthier lives."

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