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CONGRESSIONAL SCHEDULE  NEW

The Senate met today to resume consideration of the housing reform package (H.R. 3221) and a Global AIDS bill (S. 2731). The House was not in session today.

When the Senate returns to session next week, it may consider legislation to establish a federal shield law for journalists (S. 2035) and an extension of low-income heating assistance (S. 3186).

The House will return to session on Monday, July 14, and is expected to consider the FY08 intelligence authorization bill (H.R. 5959). The House next week also may take up legislation to authorize new funding for bridge reconstruction (H.R. 3999), as well as a bill to designate portions of a river in Massachusetts as part of the National Wild and Scenic Rivers System (H.R. 415). CQToday reports that House leaders also hope to consider a package of energy-related bills, including a measure to ease approval of leases in Alaska that have already been approved for oil drilling.

BUDGET & APPROPRIATIONS

SENATOR REID ANTICIPATES CR THROUGH EARLY NEXT YEAR

Senate Majority Leader Harry Reid (D-NV) said on July 10 that the Senate will likely consider only two FY09 appropriations bills before approving a continuing resolution (CR) in September that would fund federal programs at current levels through early next year. CQToday reports that Senator Reid expects that, at most, only the Defense and Military Construction-Veterans bills will be considered by the Senate this fall. With the appropriations process stymied in the House, even those two bills might be added to a CR.
So far, the House Appropriations Committee has approved five of its FY09 appropriations bills, but it remains unclear if the remaining seven bills will be considered in committee any time soon (see item below). The Senate Appropriations Committee has approved six of its bills, with Chairman Robert Byrd (D-WV) saying he hopes the panel will approve all of its bills before the end of July.

Senator Reid, like his counterparts in the House, said he does not expect to hold a lame duck session after the November election.

**HOUSE APPROPRIATIONS PROCESS REMAINS AT PARTISAN IMPASSE**  NEW

According to CQToday, House Majority Leader Steny Hoyer (D-MD) says that it is unlikely that the House will move any of the 12 FY09 appropriations bills in the near future. His statement echoes the views of Appropriations Committee Chairman David Obey (D-WI), who suspended the appropriations process on June 26 during markup of the FY09 Labor-HHS-Education appropriations bill, after Republican appropriators tried to bring up the Interior-Environment bill in order to force votes on amendments to expand domestic oil drilling.

Chairman Obey said at that time that he would not commit to further markups or taking any of the regular FY09 bills to the House floor until Republicans agree to “regular order” in considering appropriations bills. Committee Ranking Minority Member Jerry Lewis (R-CA) said he would like the committee to return to work but wants assurances that the Interior bill will not be postponed indefinitely.

**SENATE COMMITTEE APPROVES FY09 ENERGY FUNDING BILL**  NEW

The Senate Appropriations Committee marked up its FY09 Energy and Water funding bill on July 10, providing the $4.65 billion for the Department of Energy (DOE) Office of Science that was approved July 8 by the Energy and Water subcommittee. The total for the Office of Science is $210 million below the House subcommittee-approved level of $4.86 billion and $70 million below the Administration’s FY09 request of $4.72 billion. (The enacted FY08 funding level is $3.97 billion, not including the $62.5 million added by the FY08 supplemental funding bill. As emergency spending, that addition is considered a one-time appropriation that does not increase the spending baseline for future years.)

A committee press release provides general information about the markup. Additional details will be provided when they are available.

**SENATOR BYRD PLANS SECOND FY08 SUPPLEMENTAL FUNDING BILL**  NEW

Senate Appropriations Committee Chairman Robert Byrd (D-WV) announced on July 10 that his panel will mark up a second FY08 supplemental funding bill on July 22. The measure will address immediate funding needs—such as flood and wildfire abatement and recovery in the Midwest and West—along with some of the domestic spending that was added to the first FY08 supplemental funding bill in the Senate but dropped in final negotiations with the House and the Administration. No details have been provided, but CQToday reports that targets of the additional funding might include infrastructure projects, low-income energy assistance, and food
stamps. Majority Leader Reid said Senate floor consideration of such a bill would have to wait until September.

House Majority Leader Steny Hoyer (D-MD) said House Democratic leaders were interested in a second FY08 supplemental funding bill but that no decision had been made on moving forward.

EXECUTIVE BRANCH

DOD REAFFIRMS THAT FUNDAMENTAL RESEARCH RESULTS SHOULD BE UNRESTRICTED

The Undersecretary of Defense has issued a memorandum to the military services and defense agencies reiterating that the Department of Defense (DOD) will NOT restrict disclosure of basic and applied research results unless the research is classified for national security reasons or otherwise restricted by statute, regulation, or executive order. The June 26 memorandum reaffirms that National Security Decision Directive 189 (NSDD-189) remains “the national policy for controlling the flow of scientific, technical, and engineering information produced in federally funded fundamental research at colleges, universities, and laboratories.”

This is a positive development for universities that conduct basic and applied research for the Department.

This “clarifying guidance” on DOD policy was an outcome of a review of these issues by the DOD Joint Analysis Team, conducted at the request of Secretary of Defense Robert M. Gates. The review and resulting memorandum respond to concerns raised in last year’s National Academy of Sciences report, “Science and Security in a Post 9/11 World,” as well as to an updated survey by AAU and the Council on Governmental Relations (COGR) that shows the continuing prevalence of restrictive clauses in DOD research contracts. (The final AAU-COGR report with the survey findings and conclusions will be available by the end of this month.)

The DOD memorandum, signed by Undersecretary John J. Young, states:

“The policy makes clear that the products of fundamental research are to remain unrestricted to the maximum extent possible. When control is necessary for national security reasons, classification is the only appropriate mechanism. The DoD will place no other restrictions on the conduct or reporting of unclassified fundamental research, except as otherwise required by statute, regulation, or Executive Order.

“…DoD awards for the performance of fundamental research should, with rare exceptions, not involve classified items, information, or technology. Nor, with rare exceptions, should an award be managed or executed in such a manner that it becomes subject to controls under U.S. statutes, including export control. The performance of fundamental research, again with rare exceptions, should not be managed in a way that it becomes subject to restrictions on the involvement of foreign researchers or publication restrictions.”

The memorandum asks that the policy be distributed widely and directs addressees of the memorandum to report back to the Undersecretary in writing by July 15 on how the clarification and policy guidance documents will be included in training for research program personnel.
The Coalition for National Security Research (CNSR) held a Capitol Hill briefing on July 10 to discuss the importance of Defense Department-supported basic research to the nation’s economy and national security. Accompanying the briefing was a flyer developed by two AAU interns on behalf of the Task Force on the Future of American Innovation that identifies DOD research that has led to technologies that empower and support today’s troops in the field.

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