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APPROPRIATIONS UPDATE

L/HHS Appropriations Bill (NIH) – Continuing Resolution

As the clock winds down on fiscal year (FY) 2005, Congress has completed work on only two of 11 spending bills. Therefore, House appropriators have begun preparing a continuing resolution (CR), which is a budget procedure that temporarily funds agencies until the annual appropriations bills are signed into law by the President. The House CR proposes to fund government programs at the lower of House- or Senate-passed spending levels of last year. Currently, this proposal is being circulated on the Senate side to see if there is support for it.

If the CR proposal is approved, NIH funding (beginning on October 1, 2005) would be set at its FY 2005 level because both the House and Senate provided increases for the agency (albeit a very small increase from the House). The CR spending levels would remain until the House and Senate reach agreement on the L/HHS FY 2006 spending bill. We anticipate that NIH will be on a CR until at least Thanksgiving, if not later.

Senate Passes NSF and NASA Funding Bill

On September 15, 2005, the full Senate passed H.R. 2862, Departments of Commerce and Justice, Science and Related Agencies Appropriations Act, which funds the National Science Foundation (NSF) and the National Aeronautics and Space Administration (NASA).

The legislation provided NSF with \$5.53 billion. This is an increase of \$58.2 million or 1.1% over last year's funding level. This is far less than the \$5.64 billion (3.1% increase over FY 2005) approved by the House on June 16, 2005. Specifically, the legislation provided the NSF Research and Related Activities with \$4.34 billion, an increase of \$124.6 million (3.0%) over FY 2005. This is less than the House approved level of \$4.377 billion, which

was \$157 million or 3.7% over last year's level. The NSF Education and Human Resources account was cut. The bill provided \$747 million, which is a reduction of \$94.4 million or 11% from last year.

News was much more encouraging for NASA science. Under the legislation, NASA's Science, Aeronautics, and Exploration Directorate will receive \$9.761 billion. This is an increase of \$2.08 billion or 27.1 % over FY 2005 funding level of \$7.681 billion.

The challenge now revolves around the House and Senate meeting in conference to work out the discrepancies between their bills before the new fiscal year starts on October 1. It is likely that these agencies will be funded under a continuing resolution until November.

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NIH REAUTHORIZATION UPDATE

NIH REAUTHORIZATION

The likelihood of the House of Representatives passing (or even considering in Committee) an NIH Reauthorization bill is quickly fading. House Energy and Commerce Committee Chairman Joe Barton (R-TX), is currently consumed by many other issues, which has had the effect of pushing NIH Reauthorization to the back burner. Chairman Barton is proposing new energy legislation in the wake of the temporary loss of refining capacity in Louisiana due to the damage inflicted by Hurricane Katrina. He also said he would have a Medicaid package ready in a few weeks to shield states from harm caused by the displacement of citizens (resulting from Hurricane Katrina). Chairman Barton is responsible as well for proposing the Medicaid cuts that will become part of the budget reconciliation process. Congressional leaders have delayed the budget reconciliation process until mid-October.

In addition, the actual proposal for reauthorizing NIH remains in draft form and many questions remain unanswered. FASEB's Office of Public Affairs and AAMC have compiled a list of questions that require clarification and/or additional information from the Committee. The broader research community, as well as representatives from FASEB's NIH Issues Subcommittee (a subcommittee of FASEB's Science Policy Committee), is in the process of reviewing the list.

Incidentally, on August 21, 2005, FASEB invited Cheryl Jaeger, lead House staffer on the NIH Reauthorization bill, to its annual Science Policy Committee (SPC) Face-to-Face Meeting. Ms. Jaeger discussed the revised NIH Reauthorization draft and answered questions from SPC Members (see picture below).



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INSIDE (the Beltway) SCOOP – Jon Retzlaff, Legislative Director

Many lawmakers are acknowledging that the current fiscal environment ranks among the most difficult they have faced. The drive to pour tens of billions of federal dollars into rebuilding the hurricane-battered Gulf Coast, the war costs in Iraq and Afghanistan that are now estimated to be running at \$6.7 billion a month (which is markedly higher than what was assumed in the spring, when Congress approved a supplemental war-spending bill totaling nearly \$100 billion), and the continued increase in entitlement spending, is going to severely affect the FY 2006 budgets (and, budgets beyond) for all of the scientific agencies (NIH, NSF, DOE, Dept. of Ag., VA, and NASA) FASEB supports.

It especially is concerning that President Bush (while announcing that he would not raise taxes to pay for the recovery) has said that at least some of the expense would have to be offset by budget cuts in other programs. The President has not provided any details other than to point out that his FY2006 budget includes some \$20 billion in non-security related discretionary spending cuts in 2006 and \$137 billion in mandatory program reductions over ten years. The President has said that he plans to work with Congress to find additional savings.

Many in Congress are becoming more than a little nervous about the deficit. The one-hundred members of the conservative Republican Study Committee (RSC) have put forward a \$500 billion spending-cut package, referred to as “Operation Offset.” The RSC is advocating numerous ideas, some of which would include canceling \$25 billion in earmarks that were

included in the recently passed Highway bill, postponing the Medicare prescription drug program for one year, and eliminating several science and research programs. In addition, Senate Finance Committee Chairman Charles Grassley (R-IA) suggested that Congress should impose an across-the-board freeze in federal spending for at least one year or perhaps several years to help offset hurricane recovery spending.

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OTHER FASEB ACTIVITIES

FASEB Opposes Akaka Amendment to Prohibit Class B Animal Dealers

An amendment to the Agriculture appropriations bill that would prohibit federal funding to labs purchasing animals from Class B dealers passed on September 20, despite opposition from FASEB and other members of the research community. The amendment, introduced by Senator Daniel Akaka (D-HI), is based on the false assumption that pet dogs and cats are being stolen for use in biomedical research. Class B dealers, which are licensed and regulated by the United States Department of Agriculture, typically acquire animals from pounds and shelters, where they might otherwise be euthanized. FASEB President Bruce Bistran sent letters to all members of the Senate Appropriations Subcommittee on Agriculture, Rural Development and Related Agencies, urging them to reject the amendment. “The language in this amendment would do little to protect pets but would have serious negative implications for life-saving biomedical research,” the letter stated. “[C]ertain types of studies require animals that are not available from breeders. These include: vaccine, drug and therapy research for pets; orthopedic studies; cardiovascular studies; prostate cancer research, and research into “orphan” genetic diseases, among others.”

Although the amendment passed on voice vote, FASEB continues to work with other organizations, including FASEB member the American Physiological Society (APS) and the National Association for Biomedical Research (NABR), to remove the amendment during conference with the House of Representatives. As part of this effort, NABR is collecting information on research conducted using animals from Class B dealers. If you wish to participate in this confidential survey, please e-mail Carrie Wolinetz at cwolinetz@faseb.org. FASEB Society members can take action by writing to members of Congress that serve on the Agriculture Appropriations Subcommittees in opposition to the amendment; to assist scientists in contacting members, we have set up an alert and sample letter [here](#).

FASEB Supports Senator’s Efforts to Investigate NYSE’s Surrender to Animal Rights Extremism

FASEB [praised](#) Senator James Inhofe’s (R-OK) announcement that the Senate Environment and Public Works Committee will investigate the New York Stock Exchange’s (NYSE) recent decision to cancel the listing of Life Science Research, Inc (LSR). Life Science Research, Inc. is the parent

company of Huntington Life Sciences, an animal testing company that has been the target of the animal rights extremist group, Stop Huntington Animal Cruelty (SHAC). The NYSE's last minute cancellation of the LSR listing appears to have been as a result of threats from SHAC, whose past tactics have included violent assault, arson, and intimidation campaigns. In writing to Senator Inhofe, who chairs the committee, FASEB President Bruce Bistran stated, "We fear that the NYSE's action will embolden these groups to increase their violent efforts to halt the use of animals in research." Senator Inhofe himself issued a statement condemning the NYSE's apparent acquiescence, saying, "It seems to me unimaginable that this country's worldwide symbol of the integrity of the capital markets, the NYSE, would capitulate to threats, or even the mere threat of threats, from a single issue extremist group."

The Senate Environment and Public Works Committee has investigated animal rights extremist organizations in the past, an action that FASEB has [supported](#). On September 26, Jon Retzlaff and Carrie Wolinetz from the FASEB Office of Public Affairs and Alice Ra'anana from the American Physiological Society will meet with Chairman Inhofe's staffer, Katherine English, regarding the Senator's efforts to look into the harmful effects of animal rights extremism.

NIH Director Speaks at Congressional Luncheon Briefing

FASEB's Office of Public Affairs participated in organizing four NIH luncheon briefings for Capitol Hill staff over the summer. The final of these briefings occurred on Monday, September 19, when Elias Zerhouni, M.D., Director, NIH, provided a brief overview of the agency and discussed the NIH Roadmap.

During his presentation, Dr. Zerhouni identified the following five evolving public health challenges:

- 1) Acute to Chronic Conditions
- 2) Aging Population
- 3) Health Disparities
- 4) Emerging Diseases
- 5) Biodefense

He also outlined the following four goals for improving health:

- 1) Supporting research to find cures
- 2) Delaying the onset of disease
- 3) Reducing the severity of disease
- 4) Encouraging early prevention/preemption of disease

Cheryl Jaeger, lead House staffer on the topic of NIH Reauthorization, asked Dr. Zerhouni how Chairman Barton's reauthorization bill would help advance the Roadmap initiative. Dr. Zerhouni replied that the NIH Reauthorization bill would institutionalize the Roadmap process through the creation of a common fund for trans-NIH research. Senator Kennedy's staffer asked Dr. Zerhouni what concerns him most about Congress taking up an NIH Reauthorization bill. Dr. Zerhouni stated that interfering with the peer review process would cause the biggest harm to the agency.

FASEB Attends Technology and Innovation Forum

On Thursday, September 15th, Gary Kline, FASEB's Legislative Analyst, attended the Forum on Technology and Innovation luncheon, which focused on the need for the U.S. to undertake a greater investment in science. Speakers included: U.S. Senators John Ensign (R-NV) and Blanche Lincoln (D-AR); George Scalise, president of the Semiconductor Industry Association, Carl Batt, Cornell University, and Brian Halla, Chairman of the Board and CEO, National Semiconductor.

Senator Lincoln noted that children need science and math education in order for the U.S. to compete in the world. She indicated that not investing in science is un-American.

Senator Ensign spoke in support of research and development and cited his assignment on the new Committee on Commerce, Science and Transportation Subcommittee on Technology, Innovation, and Competitiveness, as an opportunity to do some good things for science. He said that while he is one of the most conservative members in the Senate, investing in NSF is a wise use of funds. He indicated that he and Senator Richard Shelby (R-AL), Chair of the Senate Appropriations subcommittee that funds NSF, will work hard next year to increase NSF funding. He also said that while he supported the doubling of the NIH budget, he wished NSF would also have seen some of that investment.

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HURRICANE KATRINA - RESOURCES

FASEB has set up a [web site](#) to direct scientists to resources for recovery from Hurricane Katrina. We expect to update this as we receive new information. If your society has additional web sites or resources you wish to add, please let us know and we will be happy to update the site.

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CONGRESSIONAL SCHEDULE

The House and Senate are in session.

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FASEB's Washington Update is brought to you bi-monthly by the FASEB Office of Public Affairs. We welcome your questions and comments – please contact Gary Kline, Legislative Analyst at gkline@faseb.org or (202) 543-1155. For more information about how to get involved in research advocacy, visit: <http://capwiz.com/faseb/home/>