

Congressional Fundings

In one of its last acts before the summer recess the Congress approved a supplemental appropriations bill for fiscal year 1985, which included authorizations for the funding of 6,200 competing grants and 533 center grants by NIH and 550 center grants by the Alcohol, Drug Abuse, and Mental Health Administration. The Congressional action also permits NIH in fiscal year 1986 to carry forward as much as \$20 million, providing all of the competing and center grants have been funded.

Both the House and Senate health-related appropriations committees plan to mark up fiscal year 1986 appropriations before the first session ends. Whether the number of grants remains unchanged or possibly lowered in 1986 will probably not be determined until some time in the second session.

The concurrent budget resolution for fiscal year 1986, passed by the Congress in August, calls for reductions in the spending ceilings for health and education programs, but ceilings on spending are determined by the appropriations committees.

If You Don't Succeed, Try, Try . . .

Both houses of Congress have again passed an NIH reauthorization bill, much like the one approved by the last Congress and vetoed by the President. The basic differences to be ironed out in the two bills by a conference committee is the length of time for the reauthorizations (Senate three years; House one year) and the establishment of an Institute for Nursing (House yes; Senate no).

Both bills included provisions for laboratory animals mandating institutional animal care committees, programs to develop alternative methods, and the promulgation of additional guidelines by the Secretary of DHHS.

William M. Samuels, CAE

APS Expresses Concern; DHHS Gives a Reply

In a letter to Health and Human Services Secretary Margaret Heckler, the American Physiological Society voiced its concerns regarding the events and the action that lead to the suspension of federal grant funds for the University of Pennsylvania's Head Injury Clinical Research Center. The Society's letter to the Secretary and the reply by the Acting Assistant Secretary for Health are reproduced below.

Honorable Margaret Heckler
Secretary
Department of Health & Human Services
Washington, D.C. 20201

Dear Secretary Heckler:

On behalf of the American Physiological Society, I am writing to express our concern that your action in acceding to the demands of demonstrators by suspending federal funds for trauma research at the University of Pennsylvania will only encourage militant advocates for animal rights to disrupt research programs. In recent years, the number of demonstrations and break-ins at research facilities by activists has increased as has the destruction to laboratory equipment and the theft

of laboratory animals. By short-circuiting the normal processes for reviewing the situation at the University of Pennsylvania, you have rewarded these demonstrators for their sit-in at the National Institutes of Health and have encouraged them to escalate their activities, thus increasing the vulnerability of NIH and other institutions for further harassments.

Inasmuch as the Society has not had the opportunity to review the reports on which you based your judgments, your decisions are not being questioned on scientific grounds. Our concern, however, is that the Department of Health and Human Services, which has contributed so much to biomedical research, is now encouraging animal rights advocates to accelerate their efforts and supporting their appeal to the public by acceding to the demands. The timing and the circumstances of your action leads the scientific and academic communities to believe that you capitulated to the advocacy group and, thus, legitimized their activities. It is this action that raises the major concern now shared by most of the scientific community engaged in biomedical research.

Martin Frank
Executive Vice-President

Martin Frank, Ph.D.
Executive Vice-President
The American Physiological Society
Bethesda, MD 20814

Dear Dr. Frank:

This is in response to your letter of July 23 to Secretary Heckler regarding the suspension of the National Institutes of Health (NIH) funding for research with nonhuman primates at the Head Injury Clinical Research Center, University of Pennsylvania. We appreciate being apprised of your concerns and thank you for your candor.

There is no disputing your point that some people will misinterpret the suspension as a yielding to public pressure and a reward for unlawful advocacy. We were painfully aware that the NIH investigation had to rely heavily on copies of videotapes stolen from the University and we remain dismayed that law enforcement authorities have made no apparent progress in bringing the perpetrators to justice. Moreover, we recognize that the sit-in appears to have forced an administrative action the Department of Health and Human Services (HHS) was reluctant to take. As you know, the NIH was posed at the time of the sit-in to effect the suspension and was awaiting only the completion of the preliminary report so that the documentary basis of its action would be at hand and in a form consistent with due process. I assure you that before taking action, careful attention was given to all predictable misleading appearances.

On the other hand, I feel certain you will agree that a public agency must be prepared to discharge its responsibilities in accord with pertinent facts and applicable procedures and must not refrain from clearly indicated actions simply because some observers will misinterpret them. In the case of the head injury experiments with baboons, the NIH amassed disturbing evidence that the practices for the care and use of these laboratory animals during recent years were materially out of compliance with the University's written assurances. We view this breach of traditional trust relationship as a serious matter. The University's failure not only will make it more difficult for biomedical scientists to justify animal experimentation in the critically important area of brain injury but also may erode public confidence in the entire assurance system. Inaction (or delayed actions) by the HHS or the NIH under such circumstances would have been an abdication of our responsibility.

We remain convinced that the vast majority of biomedical scientists and their institutional officials are committed to proper care and use of laboratory animals and thus deserve the trust of the NIH. However, material failures of awardees to meet animal welfare requirements must produce firm and unequivocal responses on our part if the assurance system is to be sustained and be credible. We will continue to foster animal experimentation whenever such research gives promise of improving human health and is conducted in accord with our animal welfare requirements. At the same time, we will not hesitate to speak out against lawless practices by opponents of animal experimentation and will do everything we can to help law enforcement authorities combat such activities. We will work even harder to ensure that awardee institutions mean what their assurances say with respect to animal welfare.

I hope these comments are helpful.

James O. Mason, M.D., Dr.P.H.
Acting Assistant Secretary for Health