

103rd Congress Interests for APS Limited to Appropriations, NIH Authorizations

Despite campaign oratory that the Administration will move fast with programs to stimulate the nation from the doldrums, don't look for any speed records.

Based on history, it will be March, perhaps April, before the 103rd Congress will have itself organized. And with approximately 25% of the Congress being made up of new members, it could be even longer before it gets down to business.

Unlike the Congresses of the last 10 years, the early agenda of this Congress has limited interests for the American Physiological Society. This time the Society's primary interests are narrowed, by and large, to a variety of appropriation bills and legislation reauthorizing programs of the National Institutes of Health (NIH).

For the first time in a decade there are no significant bills pending concerning the use of live animals for teaching or research. The one major piece of animal legislation—research facilities protection—was passed by the last Congress and was signed into law in August by President George Bush.

The major question, indeed, is how the 103rd Congress will view expenditures for Fiscal Year 1994. Unlike the parameters set by the 102nd Congress, there are no budget agreement walls that prohibited the movement of funds between the budget allocations for domestic, defense, and foreign spending.

Acting in the closing hours of the 102nd Congress, Senate-House conference committees approved spending outlays for Fiscal Year 1993. In most cases, the conference committees did provide for token increases, but the increases for the most part were less than the rate of inflation and in some cases were less than the President's budget requests.

The Fiscal Year 1993 appropriation for the now combined NIH and the research components of the Alcohol, Drug Abuse, Mental Health Administration (since renamed Substance Abuse and Mental Health Services Administration; SAMSHA) is \$10,362 billion, an increase of 2.9% (\$291 million).

Faring somewhat better was the National Science Foundation with an appropriation for Fiscal Year 1993 of \$2,733 billion, an increase of 6% (\$162 million).

Other Fiscal Year 1993 appropriations of interest to APS are

- Department of Veterans Affairs (research), \$232 million, an increase of 2% (\$5 million);
- NASA Division of Life Sciences, \$132.7 million, a 10% reduction (\$14.9 million);
- Department of Agriculture (animal services), \$9.5 million, no change from Fiscal Year 1992.

While it will be summertime before the Congress begins to give serious consideration to appropriations for Fiscal Year 1994, there is one bill that has been promised a fast track: the legislation reauthorizing NIH programs. The bill was pulled from the Senate floor just before the Congressional adjournment in October.

The bill, which has been debated for almost two years, was pulled when its sponsors could not reach a compromise with those who oppose the provision that would allow for federal funding for fetal tissue transplantation research.

Senate majority leader George Mitchell (D-ME) said he plans to make the NIH reauthorization bill S.1 for the 103rd Congress and bring it to the Senate floor as soon as possible.

W. M. Samuels

PHS Makes Revisions To ALERT List Procedures

The US Public Health Service has changed its procedures for managing the ALERT List, a database listing individuals who are under investigation by the agency for alleged scientific misconduct.

Under revised rules, names will be entered on the ALERT List only when an institution submits a report finding an individual guilty of scientific misconduct or when the agency's investigation finds an individual guilty of scientific

misconduct. Previously, the name of an individual was added to the ALERT List when an investigation was first initiated and before any proof of the allegations had been established.

The American Physiological Society, along with others in the scientific community, had voiced its disapproval of placing names on the ALERT List before proof of scientific misconduct had been established.

Greenpeace Hurting in Norway

A Norwegian newspaper, *Dagbladet*, has reported that Greenpeace International may end its operations in Norway, as its membership is said to have dropped from 15,000 to 35.

Greenpeace's Norwegian membership has plummeted since 1989 when a film, "Survival In The High North," by Icelandic film-maker Magnus Gudmundsson documented how Greenpeace staged animal mutilations for its fund-raising films. Greenpeace lost its libel suit against Gudmundsson in March.

Court Actions Affect Grants and Open Meetings

A Washington state court has ruled that portions of unfunded grants must be made available to the public on request, and the Vermont Supreme Court has ruled that institutional animal care and use committee meetings are subject to the state's open meetings laws.

Washington—The University of Washington is appealing a state court decision that the university must release portions of an unfunded grant proposal sought by the Progressive Animal Welfare Society. In its appeal of the August decision, the university said:

"The university's position is that

unfunded grant proposals are exempt from release under First Amendment protection of academic freedom, other applicable federal laws and regulations, and under Washington state public disclosure law on the basis of exemptions for rights of privacy, the preliminary nature of the document, and the valuable nature of the research formula, design, and data.

"This suit has broader implications than anti-vivisection concerns. The University of Washington, in common with other universities, respects and protects the confidentiality of unfunded, preliminary proposals in all fields. Confidentiality in the early phases is crucial for protecting the intellectual property interests of individual researchers and universities or research sponsors, allowing them the opportunity to benefit from their creative insights and efforts."

Vermont—The Vermont Supreme Court has declared that the University of Vermont's Institutional Animal Care and Use Committee (IACUC) is subject to the state's Open Meeting Law and Public Records Act, rejecting arguments that the IACUC is not a public body because it is not a committee of the university and that an IACUC is an administrative body and not a policy making body.

U.S. Not Likely To Follow Britain On Research Limits

It is unlikely that the United States will follow Britain's new restrictions limiting the ability of older scientists to conduct research involving live animals.

The new British rule shortens the length of a project license held by a researcher over the age of 65 and effectively prevents anyone older than 70 from holding a project license. Licenses, which allow researchers to work with live animals and are re-

viewed every five years, will be reviewed annually for any researcher over 70 years old.

In the United States, the law prevents discrimination on the basis of age in hiring, firing, and assigning duties with the exception of work that affects public safety, such as fire fighting. Because animal research has no such impact, the British rule probably would be declared illegal in this country, according to legal experts.

The new rules are the result of animal rights activists filming and publicizing in the national media the work of an 89-year-old scientist at the Medical Research Council's National Institute for Medical Research. An inquiry showed that the scientist had breached the Animals Scientific Procedures Act of 1986.

French Uphold Animal Use; Seven Activists Sentenced

The French Supreme Court of Appeals has affirmed the right to conduct research on animals.

The Court ruled that CNRS neurophysiology laboratory near Paris "is a public research organization at the center of scientific and medical discoveries that benefit man," rejecting the animal activists' argument that the thefts were justified because the animals were illegally obtained and mistreated for useless research.

The case stemmed from a 1985 raid on the laboratory where 17 baboons were stolen by animal activists, of which 7 were later arrested. They were given suspended prison sentences of up to six months in their initial trial.

The activists sought to have the theft of laboratory animals recognized under a new legal category distinct from other theft, maintained that laboratory animals are not material objects, that wild animals cannot be possessed, and that CNRS had never demanded the return of the baboons.

