



National Association for
Biomedical Research



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CALENDAR

FEDERAL

Congress on Pre-Convention Sprint?

House Speaker Paul Ryan (R-WI) returned to Washington this week facing a critical legislative stretch leading up to the national conventions in mid-July, with problems looming everywhere, according to [a Politico news article](#). Ryan and the House GOP leadership face serious challenges to pass a fix for Puerto Rico's debt crisis, approve funding to fight the Zika virus and complete the annual federal spending bills. The House plans to recess for the 4th of July holiday week. The House is then scheduled to adjourn in mid-July for the conventions and not return until early September, when it's unlikely Congress will move on anything significant given the close proximity to the November elections. The Senate has a similar calendar through the summer months. That means the next several weeks are probably the last gasp for Congress until a widely anticipated lame-duck session in mid-November.

TSCA Reform Heads to the President

The U.S. Senate yesterday approved long-sought revisions to the Toxic Substances Control Act (TSCA) with bipartisan support, sending the reform legislation to President Barack Obama, who has said he favors the bill. By a voice vote, the Senate passed the [Frank R. Lautenberg Chemical Safety for the 21st Century Act](#). Its passage came on the heels of a concerted effort by key House and Senate negotiators to get the bill out of Congress. [Law 360° reports](#), if the President signs the bill as expected, TSCA reform would be one of the most significant updates to an environmental statute in years. The House last month overwhelmingly passed the legislation. As the NABR Update reported previously, the final version contains a number of provisions designed to reduce reliance on animal models for product safety testing and encourages the use of alternatives.

The Physicians Committee for Responsible Medicine ([PCRM](#)) [promptly applauded the Senate's action](#). Additional groups will likely issue statements of congratulations later today.

Senate Spending Bill Proposes \$2 Billion More for NIH

The Senate Labor-HHS-Education appropriations subcommittee yesterday marked up its version of the FY 2017 Labor-HHS-Ed appropriations bill. "This is the first bipartisan Senate Labor-HHS bill in seven years, and I want to thank Senator Murray for her work on this bill," said Senator Roy Blunt (R-MO), subcommittee chair. "The fiscal year 2017 Labor-HHS bill eliminates 18 duplicative or unnecessary federal programs in addition to the 18 from last year's bill, and is \$270 million less than last year," he added. The bill provides \$161.9 billion in base discretionary spending, which is \$270 million below the FY 2016 level and \$2 billion below the President's budget request. The Full Senate Appropriations Committee may take up the bill as soon as tomorrow.

According to the [Republican summary](#), the measure provides \$34 billion for NIH, a \$2 billion (6.3%) increase. In December of last year, the NIH received a \$2 billion boost in the omnibus funding bill that raised its budget from \$30 billion to \$32 billion. The new proposal includes:

- \$300 million for the Precision Medicine Initiative, an increase of \$100 million;
- \$1.39 billion for Alzheimer's disease research, an increase of \$400 million;
- \$250 million, an increase of \$100 million, for the BRAIN Initiative to map the human brain;
- \$333.4 million, an increase of \$12.5 million, for the Institutional Development Award;
- \$463 million, an increase of \$50 million, to Combat Antibiotic Resistant Bacteria; and
- \$12.6 million for the Gabriella Miller Kids First Research Act.

Senator Patty Murray (D-WA), the ranking member of the subcommittee, said, "I am especially proud that this bill doesn't include a single new damaging policy rider." The Democrats also released a [summary](#).

NIH Notice on Research Involving Chimpanzees

The National Institutes of Health (NIH) May 26 released a notice ([NOT-OD-16-095](#)) limiting the permissible types of research involving chimpanzees. Beginning on May 25, 2016, the NIH will not fund any new or other competing grants (renewal and revisions) involving chimpanzees, with the exception of those projects involving noninvasive research. The definition of “noninvasive research” is reflected in the Standards of Care for Chimpanzees Held in the Federally Supported Chimpanzee Sanctuary System at [42 CFR Part 9](#). Some examples of allowed noninvasive studies and invasive research not to be funded are listed in the notice. Further, NOT-OD-16-095 outlines the processes by which new grant applications involving chimpanzees will be reviewed for consistency with the “noninvasive research” requirements. The NIH also considers the services of the Chimpanzee Research Use Panel to be complete and is disbanding this working group of the Council of Councils.

On February 9, 2016, the NIH published a *Federal Register* notice ([81 FR 6873](#)) that provided information on: 1) the agency’s reassessment of the need to maintain a colony of 50 chimpanzees for future research, 2) decision to no longer maintain a chimpanzee colony for research, and 3) conforming updates and procedures related to this action. That official Federal Register announcement indicated additional guidance, such as this notice, may be forthcoming. Please also see related NIH notices listed in [NOT-OD-16-095](#).

USDA Research Animal Numbers Released

The U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) has posted fiscal year 2015 totals for the number of animals used in biomedical research in the United States, according to [a June 3 announcement](#). The Animal Welfare Act (AWA) requires each USDA-registered research facility to submit an Annual Report ([APHIS Form 7023](#)) that documents its use of regulated animals for research, testing, teaching and/or experimentation. The APHIS Animal Care unit then organizes the data by state, based on species of animals and specific pain categories. The 2015 data is posted [here](#). Additional information on Annual Reports, including links to statistics for previous fiscal years, is located [here](#).

The 2015 data reflects the continuing reduction in the number of AWA-regulated animals. The annual decrease last year over FY 2014 in the overall total of all species is approximately 8%. The number of animals listed in annual report column “E” (used in research where pain may be involved; but no drugs are administered for scientific reasons) declined by nearly 5%. NABR is currently reviewing the FY 2015 tables in detail, and analyzing longer historical trends for a more in-depth look to be issued soon.

2016 Rally for Medical Research - Sept. 22

[Registration for the 2016 Rally for Medical Research Day on Capitol Hill](#) is now open. The September 22 event is intended to raise awareness concerning NIH research investment and the ongoing need to “improve health, spur more progress, inspire more hope, and save more lives.” Registered participants will have an opportunity to meet with Members of Congress from their home states and districts.

Q&A with the USDA: The Next Generation

On Tuesday, July 19 from 12:30 p.m. to 1:30 p.m., join NABR and Drs. Elizabeth Meeks and Bill

Stokes, the USDA's Eastern and Western Region Assistant Directors for Animal Welfare Operations, for a special webinar titled, "Q&A with the USDA: The Next Generation." At this NABR-exclusive presentation, the biomedical research community will have the opportunity to ask questions directly to the leadership of USDA Animal Care's Animal Welfare Operations, who are responsible for the oversight of the inspection and reporting process.

Questions should be submitted in advance to info@nabr.org. They will be reviewed and formatted to prevent duplication and will be answered in the order they are received, so please submit them as soon as possible. As in the past, we will schedule the session for an hour but will continue the webinar until all questions have been addressed.



ANIMAL ACTIVISM

Harambe Tragedy Causes Animal Rights Personhood Complaints and Calls for Nonhuman Animal Personhood

Michael Budkie of Stop Animal Exploitation Now! (SAEN) held a press conference outside the facility gate on the same day the Cincinnati Zoo shot and killed a 17-year old gorilla named Harambe after a 3-year old boy slipped into the animal's habitat. Based in that city, Budkie and his small group have targeted animal research facilities almost exclusively in the past. With his considerable experience filing complaints with the USDA, [Budkie quickly filed one against the zoo](#), calling, as always, for maximum penalties. Given the wide coverage of this incident, SAEN was able to attract more attention than usual, with [Budkie appearing](#) on TV news and being quoted in a [variety of press reports](#).

Humane Society of the U.S. (HSUS) CEO [Wayne Pacelle has blogged about Harambe](#), saying "in the vast majority of human killings of animals [for sport, fashion or palate preferences], there's no such moral dilemma" [choice between an animal and a child's life]. He suggests, "A broader reexamination of our relationship with animals may be the best remembrance we can offer poor Harambe." In the process of promoting his new book, [Pacelle told Fox News](#) the public consensus about animals is changing. "Even before the backlash of Harambe . . . major corporations and high profile CEOs were already shifting their business models in regards to animal protection," he said.

Steven Wise of the Nonhuman Rights Project (NhRP) has been busy promoting the documentary "[Unlocking the Cage](#)," which chronicles his legal quest "to transform an animal from a thing with no rights to a person with legal protections." This subject, as well as the purpose of zoos is being questioned in other forums, such as a comprehensive New York Times article, [Do Gorillas Even Belong in Zoos? Harambe's Death Spurs Debate](#) (subscription required). For balance, please read Richard L. Cupp's opinion piece, "[Gorilla's Death Calls for Human Responsibility, Not Animal Personhood](#)" in the Legal section below.

Animal Rights Prisoners Come and Go

Kevin Johnson (aka Olliff) was released from federal prison in Chicago and is on his way by train to a halfway house in California, according to a [May 25 posting on his support group's website](#). He served three years for criminal conspiracy under the Animal Enterprise Terrorism Act (AETA), and now begins a probationary period expected to last six-months. The support group highlights the address of the halfway house and encourages sending him letters. Donations continue to be requested for Kevin and accomplice Tyler Lang “as they continue to move forward with completing time in halfway houses and then adjusting to life back home.”

Meanwhile, Joseph Buddenberg has been transferred to the U.S. prison in Lompoc, CA. He was [sentenced last month to two years in U.S. District Court for the Southern District of California](#) conspiracy to violate the AETA. His [support group Facebook page](#) also asks for letters and donation of books and funds. Co-defendant Nicole Kissane, also convicted, is expected to be sentenced this month.

WSJ 'Chats' with PETA Lawyer Jeff Kerr

The Wall Street Journal (WSJ) Law Blog spoke with Washington, DC-based Jeffery Kerr about “how his 20-lawyer team works worldwide to secure animal rights” on behalf of People for the Ethical Treatment of Animals (PETA). The condensed and edited version of the conversation is [available here](#). One of Kerr’s reported responses was, “Every case we file is about establishing or extending the fundamental rights to animals. Period. PETA will engage in attention-grabbing, street-theater demonstrations to draw attention to a particular issue, but our lawsuits are serious legal battles. We are trying to break down the barriers to have these fundamental rights recognized and extended. We’re going to keep trying until we eventually succeed.” Examples of PETA cases he cited were: the monkey-selfie case [seeking copyright ownership](#) for a monkey (dismissed), the unsuccessful claim that Sea World “enslaves” orcas in violation of 13th Amendment and [recovery of the PETA.org domain name](#). In 1995, an opponent of PETA registered the domain name of PETA.org and created a website called “People Eating Tasty Animals.”

LEGAL

Gorilla's Death Calls for Human Responsibility, Not Animal Personhood

[Richard L. Cupp](#), John W. Wade Professor of Law, Pepperdine University, added his expert voice to the debate surrounding the Harambe tragedy in a June 3 article for The Conversation, “[Gorilla's Death Calls for Human Responsibility, Not Animal Personhood](#).” After admitting he is sickened and angry about the killing, Professor Cupp maintains, “Turning to our legal system in responding to Harambe’s tragedy is the right approach, but our legal focus should be on ensuring effective human responsibility for the proper treatment of gorillas and other nonhuman animals rather than on pretending that gorillas are people.” His thoughtful discussion of the legal implications of declaring animals to be people, and the unintended consequences of doing so, should be read in its entirety. Professor Cupp calls for a proper investigation of the incident and concludes, “If no laws or regulations were violated, the laws and regulations almost certainly need to be changed to ensure that this does not happen again. But our focus needs to be on demanding appropriate responsibility from morally accountable humans and human institutions, rather than on the dangerous pretense of nonhuman animal personhood.”

[Professor Cupp has written extensively](#) about the question of nonhuman animal personhood. His views have been reference by several courts which have dealt with the question.

INTERNATIONAL

New Pamphlets Available from UAR

Understanding Animal Research (UAR) has refreshed its educational leaflets. Although intended primarily for use in the UK and Europe, NABR members may find helpful ideas and information for public education efforts here in the U.S. The four pamphlets recently replaced are: [Where Do Medicines Come From?](#), [Animal Research: The Facts](#), [Animal Research for Animals: The Use of Animals in Veterinary Medicine](#), and [Why Are Animals Used in Scientific Research?](#) Please email office@uar.org.uk if you would like to order copies.

ANNOUNCEMENTS

'Knocking Out' Parkinson's Disease

The research advocacy community lost a true hero last weekend. Muhammad Ali, who had lived with Parkinson's disease since his 1984 diagnosis, passed away at age 74. Ali was an advocate for Parkinson's research and thanks to his influence, much headway has been made into understanding the disease. And animal models from mice to monkeys are invaluable to the development of new treatments for Parkinson's. In this week's Foundation for Biomedical Research (FBR) [article](#), intern Susan Szuch highlights the important contributions animals have made in Parkinson's research. Please read Susan's [blog](#) and don't forget to share your opinions in the comments section.

AAMC's Dave Moore Retiring

David Moore will retire June 30 from his position as Senior Director for Government Relations at the Association of American Medical Colleges (AAMC) after 32 years of service. A widely-recognized expert on the federal budget and appropriations process, Dave has led the AAMC's advocacy for funding of the National Institutes of Health (NIH), including serving for nearly three decades as the Executive Director of the Ad Hoc Group for Medical Research. Dave has been a great friend of NABR and biomedical research. NABR staff members are grateful for his longtime support and wish him a long and happy retirement.

Tannaz Rasouli, AAMC's Senior Director for Public Policy and Strategic Outreach, will assume his role as Executive Director of the Ad Hoc Group. In addition, AAMC Chief Public Policy Officer Karen Fisher will be working with Tannaz to continue AAMC's important commitment to the NIH.

AALAS - FELASA Working Group Publishes Two Reports on Harm-Benefit Analysis of Animal Studies

The aim of the American Association for Laboratory Animal Science – Federation of European Laboratory Animal Science Associations ([AALAS–FELASA working group \(WG\) on harm–benefit analysis \(HBA\)](#)) is to promote common understanding of the principles and approaches to HBA as an important element in the ethical evaluation of the use of animals in research in the USA and Europe. Such common understanding and practices might build confidence in data exchange and

collaboration on animal research. Toward this end the WG published two reports in the June issue of Laboratory Animals (Lab Anim, Vol. 50, No. 1 suppl 1-42). Both reports are available to download for free by clicking on the titles below.

[Current Concepts of Harm–Benefit Analysis of Animal Experiments – Report from the AALAS–FELASA Working Group on Harm–Benefit Analysis – Part 1](#)

[Recommendations for Addressing Harm–Benefit Analysis and Implementation in Ethical Evaluation – Report from the AALAS–FELASA Working Group on Harm–Benefit Analysis – Part 2](#)

OLAW Webinar on June 9: Balancing Public Interests, Benefits and Risks in Animal Research

An NIH Office for Laboratory Animal Welfare (OLAW) webinar: Balancing Public Interests, Benefits, and Risks in Animal Research, is scheduled for June 9, from 1:00 to 2:00 pm ET. Dr. Allyson J. Bennett from the University of Wisconsin-Madison will talk about the responsibility to conduct benefit and risk analysis and some of the key factors that play a role. The webinar announcement states, “Analysis of potential benefit and potential risk is embedded in multiple levels of review and decision-making about animal research activities. How that analysis occurs and informs decisions that balance humane care of research animals, scientific goals, and the public interest in scientific advances, is not always well understood. The IACUC is one of the important groups that contribute to the analysis and also one that can contribute to better public understanding.”

CALENDAR

June

27-30 [30th Annual Charles River Short Course in Laboratory Animal Science](#)
Providence, RI

August

3-4 [IACUC 101/201](#) w/Sanford Research & U of So Dakota
Sioux Falls, SD

4-5 [IACUC Administrators' Best Practices Meeting](#)
Oklahoma City, OK

September

16 [SCAW IACUC Training](#)
New York, NY

28-29 [IACUC 101/301](#)
Virginia Tech, Roanoke, VA
