



June 15, 2017

HHS Secretary Testifies at Senate Hearing about FY18 Budget, Plans to Reduce Indirect Costs

Tom Price, Secretary of U.S. Department of Health and Human Services (HHS), [testified this morning](#) at a Senate Appropriations Subcommittee on Labor, Health and Human Services, Education, and Related Agencies hearing about the FY2018 HHS Budget Request.

The hearing was focused on Medicaid and opioid and substance abuse, but there was also discussion about the proposed \$7.2 billion cuts to the National Institutes of Health (NIH) in President Donald Trump's [FY2018 budget proposal](#) released May 23. "The Budget institutes policies to ensure that Federal resources maximally support the highest priority biomedical science by reducing reimbursement of indirect costs (and thus focusing a higher percentage of spending on direct research costs) and implementing changes to the National Institutes of Health's (NIH) structure to improve efficiencies in the research enterprise."

Senator Dick Durbin (D-IL) said proposals to reduce indirect costs in efforts to meet budget cuts at the NIH would ultimately reduce the amount of research that is performed nationwide. Indirect costs include operating expenses such as utilities, security, radiation disposal, phone lines, and many other resources that are essential to the research process.

To watch the full Senate Appropriations Subcommittee hearing, [click here](#). Discussion about indirect costs begins at 1:04.

USDA Archive of AWA Federal Register Notices now Available

Yesterday, the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) announced [an online archive](#) to house all Federal Register Notices about the Animal Welfare Act (AWA) and the Horse Protection Act (HPA). AWA regulations apply to the animal research community and include annual facility inspection requirements. Earlier this year, USDA's APHIS removed from its website a database that contains annual reports due to a lawsuit surrounding the HPA.

APHIS has added the retracted documents back to its website in the past several weeks.

The Federal Register contains notices about proposed rules and regulations, changes to rules, meeting notices and Executive orders. To read the 175 Federal Register Notices about the AWA and HPA, [please click here](#).

Massachusetts Court Sides with PETA on Open Records Case

The Supreme Judicial Court of Massachusetts released a decision on June 14 addressing exemptions to Massachusetts public records law. Vacating a lower court's order, the Supreme Judicial Court [ruled in favor of People for the Ethical Treatment of Animals \(PETA\)](#) that information (such as names, addresses, and telephone numbers) is not protected under statutory exemptions.

Massachusetts General Law Ch. 66 § 10 and § 7 address when government entities must provide access to public records. These laws contain several exemptions, one that permits an entity to withhold an otherwise public record if the disclosure of that record "is likely to jeopardize public safety" and another that allows the withholding of public records that are personnel/medical files or records that relate to a specific individual if the release of that record would constitute unwarranted invasion of the individual's privacy.

In 2014, PETA requested information from the Massachusetts Department of Agricultural Resources (DAR). DAR redacted names, addresses, telephone numbers, and license numbers of veterinarians whose information was in the requested material. PETA then filed a complaint regarding DAR's decision to redact certain information. The lower court ruled that DAR acted within the statutory exemption by using "reasonable judgement" in protecting personal information whose disclosure is "likely to jeopardize public safety". PETA appealed that decision, and the Supreme Judicial Court of Massachusetts, after considering such factors as whether the redacted information pertains to home or business addresses, whether the redacted information is available from other sources, and whether DAR could demonstrate a significant risk to individual safety, overturned the lower court's ruling.

The decision sets a precedent that significantly narrows the application of exemptions to the state's public records law.

To find out how your state's open records law is ranked, [please see NABR's FOIA IN YOUR STATE analysis here](#).

House Military Construction Appropriations Subcommittee Includes Animal Research Report Language Focused on the VA

Appropriations season is beginning in Washington, and the House Appropriations Committee's Military Construction Subcommittee has released its draft committee report for the FY18 Military Construction, Veterans Affairs, and Related Agencies appropriations bill. [This year's bill](#), released yesterday, contains language that may concern members of the biomedical research community. [The draft language](#) includes instruction for a report from the Veterans Administration on the number of VA research studies using animals, compared to the total number of VA research projects; the number of animals by type used in VA research projects in fiscal year 2017; the number that were euthanized or failed to survive the experimental studies; the number of incidents reported to each Institutional Animal Care and Use Committee; any citations or critical reviews of VA animal research from the United States Department of Agriculture or the Association for Assessment and Accreditation of Animal and Laboratory Animal Care International; any personnel actions taken in response to external reviews of VA animal research projects; and the availability of these reports to the public. The language was likely influenced by recent interest in the VA by the White Coat Waste Project (WCW) and Rep. Sanford Bishop (D-GA), a member of the subcommittee.