

Earmarks are a sensitive issue for the U.S. research community: Critics say they violate the principle of using merit to select projects, whereas supporters say they level the playing field and allow institutions to address pressing needs. Congress banned them in 2010 but revived them in 2021 under new rules designed to curb excesses. Now, Shelby and Blunt have broadened what earmarks can fund. “I’ve never heard of using earmarks for a school’s endowment,” says one higher education lobbyist.

A spokesperson for UA defended its earmark, saying the endowment “supports real-world issues,” and thanked Shelby for “recognizing the value” of the research being done on its campus.

Next month Biden is expected to submit his 2023 budget request to Congress. Science advocates hope it will ask lawmakers to match the aspirational spending levels for several research agencies, including NSF, DOE science, and NIST, contained in separate pending legislation that addresses China’s growing economic and military might. Last week Biden urged Congress to pass the bill, which has spent nearly 2 years wending its way through both bodies.

The time frame for that bill and for appropriations is uncertain. Science lobbyists don’t expect to see a final 2023 spending bill until after the November elections. If Republicans win control of one or both chambers of Congress, their disagreements with Biden’s priorities could complicate a final deal. ■

## ANIMAL RESEARCH

# Animal care committee sues own university

## Fearing harassment, members aim to block new animal rights tactic

By David Grimm

In an unprecedented move, members of a confidential group that oversees animal research at the University of Washington (UW) have sued their own school to block the release of their names to an animal rights organization. People for the Ethical Treatment of Animals (PETA) has been trying to obtain this information for more than a year, charging that the makeup of the university’s Institutional Animal Care and Use Committee (IACUC) violates federal law. But the committee’s members—citing an uptick in animal rights activism at the school, including protests at the homes of individual scientists—say they fear PETA and other animal rights organizations will use their names to target them.

“Animal rights groups have created a climate of fear at the university,” says the school’s IACUC chair, Jane Sullivan, who spearheaded the lawsuit. “I’m a huge fan of openness and transparency, but not when it threatens the safety of the members of my committee.” She and others fear PETA’s move is the beginning of a nationwide effort: The advocacy group also wants to name IACUC members at the University of Massachusetts (UMass) Amherst.

Kathy Guillermo, a senior vice president at PETA, says her organization just wants UW’s committee to comply with the law. “The IACUC is the last line of defense for animals in laboratories,” she says. But PETA suspects the university’s committee is so biased toward research interests that it’s not fulfilling its federal mandate. “The IACUC members’ supposed fear of releasing their names would appear to be more about hiding a flawed process than anything else.”

Every U.S. institution that receives federal money for animal research must

## A new \$1 billion biomedical funding agency is born

By Jocelyn Kaiser

President Joe Biden has gotten his wish for a new agency to fund high-risk, cutting-edge biomedical research. Congress last week approved a 2022 omnibus spending bill that creates the Advanced Research Projects Agency for Health (ARPA-H) with a \$1 billion startup investment. That’s a fraction of the \$6.5 billion Biden had proposed, but advocates say it’s plenty to launch ARPA-H.

The bill does not resolve, however, a debate over whether to make ARPA-H a standalone agency within the Department of Health and Human Services (HHS) or part of the National Institutes of Health (NIH). Instead, it gives HHS Secretary Xavier Becerra 30 days to decide.

Biden proposed ARPA-H in 2021 as a biomedical version of the military’s Defense Advanced Research Projects Agency (DARPA), famed for its nimbleness and for backing innovations like the internet. Like DARPA, it would hire program managers on short contracts who would have great freedom to solicit research ideas and swiftly fund them with milestone-driven contracts.

Acting White House science adviser Francis Collins, who stepped down as NIH director in December 2021, favors placing ARPA-H within NIH. That would allow it to draw on NIH’s “brain trust,” he says, as well as the practical expertise needed to quickly stand up a new agency.

But many groups have argued that ARPA-H needs to be independent to break from NIH’s risk-averse funding culture

and attract innovative leaders. “If it’s not independent to the outside world,” says Liz Feld, president of the Suzanne Wright Foundation, a pancreatic cancer research advocacy group, “all the people we need to make this effective will see it as more of the same.”

Congress is split. A Senate bill introduced last week would place the agency within NIH but require it be located far from NIH’s Bethesda, Maryland campus. A bill sponsored by Representative Anna Eshoo (D-CA) would make ARPA-H independent. Given that “difference of opinion,” Collins says it “makes sense” to let Becerra decide.

ARPA-H will have 3 years to spend its initial \$1 billion. “The expectation is that this is the beginning of a ramp” to higher funding, Collins says. For now, he says, it needs to find an interim director who can work out hiring, contracting processes, and office space. ARPA-H likely won’t make awards until it has a permanent director. But Collins says that hire could come in just “a couple of months” because the position does not need Senate confirmation, and names are already “kicking around.”

The ideal candidate will have broad experience in academia, industry, and philanthropy, and be familiar with translating basic discoveries into treatments, ARPA-H watchers say. Harvard University chemical biologist David Walt, a former chair of DARPA’s advisory council, stresses the need for “somebody who is really a broad thinker and is not pigeonholed in their own area.” The person must also be willing to divest investments that could pose a conflict. ■

have an IACUC with five or more members, including scientists, veterinarians, and at least one nonscientist and one person unaffiliated with the institution. That makeup is supposed to ensure that animals are properly cared for and only necessary experiments take place, according to the U.S. National Institute of Health's Office of Laboratory Animal Welfare (OLAW), which oversees these committees. Nonscientists can include ethicists and clergy members.

Most large institutions keep members' names confidential (the chair and lead veterinarian are often exceptions). That allows UW to hide the fact that its IACUC is not properly constituted, argues Lisa Jones-Engel, a senior science adviser with PETA. In September 2020, she began to file a series of public information requests with the school, asking for the names of current and former members.

Jones-Engel, a biological anthropologist at the university for 17 years, was in a unique position to challenge the IACUC: She had served on it from 2017 to 2019. Toward the end of her tenure, she filed complaints with the university alleging that the committee's nearly 20 members did not contain an ethicist and that it was "stacked" against individuals who might question animal experiments; she argued that some members considered to be nonscientists in fact had close ties to animal research. Such concerns eventually led her to leave UW

and join PETA. The membership rosters she seeks will document those problems, she says.

Early last month, UW announced it would release the names, saying it was compelled by the state's open records act. Sullivan hired a lawyer and, along with four anonymous members of the IACUC, sued the school to stop the release. On 24 February, a federal judge issued a temporary restraining order, ruling that

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Susan Silk, formerly of NIH's Office of Laboratory Animal Welfare

the IACUC members' fear of harassment "sharply" outweighed any "incremental knowledge" PETA was seeking.

Susan Silk, a former director at OLAW, agrees. She notes there are both internal and external checks on an IACUC's composition; anyone with concerns can file a complaint with either OLAW or the United States Department of Agriculture. "I can't think of any reason why the public would need to know the name of an IACUC member."

Sullivan adds that both government and private laboratory oversight bodies have found no problems with the makeup of UW's IACUC. She thinks PETA's real goal is to target committee members.

In addition to staging on-campus demonstrations at UW—whose animal use program is among the largest in the country—PETA supporters have recently protested outside the homes of two officials affiliated with the school's primate facility. Individuals wearing monkey masks held signs showing animals in cages and asking, "Do neighbors know you torture monkeys?" Sullivan says activists have left threatening emails and voice messages for university scientists and have compared IACUC members to Nazis during the committee's online meetings. "There is no question that the effect is to instill fear and terror," she says.

Jim Newman, the director of strategic communications at Americans for Medical Progress, which promotes the need for animals in labs, agrees. "You don't go to someone's house to make a general point," Newman says. "You're saying, 'We know where you live.'"

Guillermo counters that PETA's demonstrations have been "peaceful" and "legal." She says her organization "does not and has never encouraged its supporters to send or leave anything other than polite messages."

Sullivan acknowledges that neither she nor the IACUC veterinarian, whose names are both public, have been harassed at home. But she says her concern isn't only PETA—it's what more radical activists might do in response to publicity, as happened in "Pizzagate" and related incidents during the 2016 U.S. presidential election. "My biggest fear is that someone else will take matters into their own hands."

Next month, the judge who issued the restraining order may either lift the injunction or make it permanent, although PETA could then appeal. A verdict in a higher court could set a legal precedent for the state or even nationwide.

In the meantime, PETA has requested the membership of UMass Amherst's IACUC. The organization claims the committee may be improperly constituted and that its confidentiality violates the state's open meetings law.

Michael Malone, a vice chancellor at UMass Amherst, worries this strategy may spread. "If people start showing up at your house, where is that going to leave us in terms of staffing IACUCs?" he says. "People on these committees should be asking, 'Is it a good animal model?' Not, 'Am I going to be accosted on the way to the grocery store?'" ■



PETA's campaigns at the University of Washington include on-campus protests of monkey research, as well as demonstrations at individuals' homes and an effort to identify members of a lab animal oversight committee.