



March 28, 2024

The NABR Update is a news summary of federal and state government affairs, animal rights activities, and other issues related to animal research that may have a direct effect on your organization or its constituents. It's an exclusive service available for NABR members only. If your organization is interested in joining NABR or if you have any questions or suggestions, please email us at [info@nabr.org](mailto:info@nabr.org).

### **NHP Update**

#### **ICYMI: QUESTIONS REMAIN IN WAKE OF 'OPERATION LONGTAIL LIBERATION' AQUITTAL**

On Friday, March 22, a Miami jury reached a verdict of not guilty on all counts in the case of a Cambodian forestry official's alleged participation in a purported scheme to introduce wild-caught monkeys into the U.S. research supply chain. Government prosecutors had dropped 5 of the initial 8 charges, and the judge dropped another, leaving 2 counts of conspiracy and smuggling for the jury to consider.

A press release from the Cambodian Ministry of Agriculture, Forestry and Biodiversity stated that the allegations were baseless and that "unfounded assertions" were made by "NGO personnel" and "Western mainstream media,

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aiming to discredit Cambodian officials and influence the court decision.” The [press release](#) went on to state, “... we denounce the actions of the U.S. Fish and Wildlife Service, which has overstepped their authority and failed to adhere to international best practices in enforcing cross-border laws.”

An [article](#) in *The Phnom Penh Post* featured images of the official being reunited with his family after 16 months of detention in the U.S. According to Politico’s *Greenwire*, defense attorney Stacey Mitchell, a partner at Akin Gump Straus Hauer & Feld, said, “Mr. Kry is back with his family in Cambodia... He should have never been charged, and we are grateful to the jury and the court for seeing that justice was done in this case.”

However, many questions remain about the conduct of U.S. officials during the so-called “Operation Longtail Liberation” investigation. The very name of the investigation has evoked images of the Animal Liberation Front (ALF) by some in the biomedical research community. The ALF was deemed a domestic terrorism organization by the FBI in the early 2000’s, as the group publicly took credit for firebombings aimed at researchers working with animal models. The name of the operation has also caused some to wonder whether the U.S. Fish and Wildlife Service believes that purpose-bred animals are in need of “liberation.”

It was noted not only by Cambodian officials, but also by an investigation conducted by the defense, that the U.S. Fish and Wildlife Service conducted an illegal surveillance operation in a foreign country without that country’s knowledge. Court [records](#) additionally showed that the Service failed to notify the Department of Justice’s Office of International Affairs about the operation. The question remains why?

Court [records](#) further revealed that the Service paid an informant who turned out to be a Chinese-national more than \$200,000. Government communication [records](#) demonstrated there were 17 pages of email correspondence with the

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informant, some of which asked animal rights groups to give the informant a job. He and his family were later relocated to Florida at taxpayers' expense.

According to [discovery material](#), during the course of the 5-year long investigation, the Service uploaded federal investigation information to a Gmail account ([siu.primates@gmail.com](mailto:siu.primates@gmail.com)). Gmail is known for being a less-than-secure platform for sensitive information, leading to questions about why investigation materials weren't held exclusively on official U.S. government servers and devices.

When the defense asked to see cell phone [communications](#) between the government and the informant, the Service stated that all their phones had been wiped after an operating system update.

More about the questionable nature of this case will be revealed when transcripts become available over the coming days. But for now, the optics are not excellent for the U.S. Fish and Wildlife Service. The Service and the U.S. Attorney in charge of the case appear to have spent five years, collected five million documents, and spent a significant amount of taxpayer money on what looks like a boondoggle; especially in light of the fact that a CITES framework is in place and used routinely to manage such matters. Unfortunately, many in the research community believe Operation Longtail Liberation has now caused irreparable harm to both shareholders and U.S. R&D efforts.

More information regarding NABR's efforts is available online at [www.nabr.org](http://www.nabr.org).

### **Final FY2024 Appropriations Package Signed into Law**

On Mar. 23, 2024, President Biden signed the remaining FY24 appropriations package into law. This included funding for the Dept. of Defense, Financial Services and General Government, Homeland Security, Labor, Health and Human Services, Education and Related Agencies, the Legislative Branch, and

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State and Foreign Operations. Funding lasts until the end of the fiscal year on Sept. 30, 2024.

Report language found in the Senate's LHHS [Report 118-84](#) impacting animal research is as follows:

**Research with Non-Human Primates**-*The Committee recognizes the critical role of non-human primate [NHP] research in virtually all areas of biomedical research. Research with unique animal models makes irreplaceable contributions to understanding the biological processes that cause disease, which is necessary for the development, safety and efficacy testing of new therapeutics before clinical trials. NHP research will be vital to studying both the underlying mechanisms and potential cures for costly and emergent diseases. The Committee is concerned about the condition and availability of critical Federal research assets outlined in the 2023 National Academies report on the State of the Science and Future Needs for Nonhuman Primate Models in Biomedical Research. In particular, the Committee is alarmed that NIH has no central data management or reporting structure for tracking the number of NHPs required to meet current and future research needs. The Committee directs NIH to develop a strategic management plan for NHP research resources to bolster cooperative efforts, data sharing, purposeful planning, and data-driven care and management methods. The Committee urges NIH to award funding to meritorious research proposals using NHPs to study neurological diseases as well as research into preventing the next pandemic. NIH is also encouraged to continue the development and validation of new approach methodologies that reduce the need for, enhance the utility of, and mitigate shortages and costs of NHP models in the future.*

**National Primate Research Centers** -*The Committee includes \$30,000,000 in funding to expand, remodel, renovate, or alter existing research facilities or*

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*construct new research facilities for non-human primate resource infrastructure, as authorized under 42 U.S.C. section 283k.*

**Hepatitis B-** *The Committee applauds NIAID for leading the effort to update the Strategic Plan for Trans-NIH Research to Cure Hepatitis B, so it remains a robust road map to find a cure. The Committee is aware of the widely held view in the scientific community that finding a cure for hepatitis B, as has now been achieved for hepatitis C, is a winnable goal and is within reach in the near-term. For these reasons, the Committee urges that research, based on the needs as identified in the updated Plan, be funded in fiscal year 2024 and beyond. The Committee urges NIAID to expand the use of Program Projects, R01 and U01 Cooperative Research Agreements, as was*

*successfully used to discover cures for hepatitis C, as well as cooperative research programs modeled after the Martin Delaney Collaborations and applauds the success of the point of Care Technologies Research Network [POCTRN] and Rapid Acceleration*

*of Diagnostics [RADx] programs and urges more use of these programs for development of point of care tests for HBV, HDV and the cancers caused by these viruses. **Finally, the Committee understands that research to enhance the human immune system to control and cure hepatitis B is promising and the continued use of animal models is a research tool that needs to be continued.***

**Cephalopod Research-** *The Committee recognizes that there are no federally required welfare standards for the use of cephalopods in federally-funded research because all*

*invertebrate animals are excluded from the Public Health Service [PHS] Policy on the Humane Care and Use of Laboratory Animals, which provides certain welfare standards for vertebrate animals. The Committee acknowledges that other countries have established oversight requirements for cephalopods when*

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*used in government-funded research. Due to cephalopods' current exclusion in Federal regulations, there is limited oversight of their involvement in research. The Committee recognizes that researchers must still justify their use and numbers when proposing research seeking NIH funding. As interest in the welfare of these animals in research is increasing, the Committee encourages the NIH to consider developing guidance for the humane care and use of cephalopods in NIH-supported research, including possibly expanding the current definition of "animal" in the PHS Policy.*

Full bill text is available [here](#).

More information can be found [here](#).

### **USDA revises the Animal Welfare Inspection Guide**

A revised version of the [Animal Welfare Inspection Guide](#) (AWIG) was recently posted with a save date of March 8, 2024. NABR is in the process of reviewing the revised version and will prepare a more detailed description of the changes. Of note is that page **1.6. Inspection Guide Updates** has been revised. It previously stated:

*The Animal Care (AC) Unit issues and maintains this Inspection Guide electronically on the AC Website. The Inspection Guide on the Animal Care Website has the most up-to-date information.*

*Notification of revisions to the Inspection Guide are distributed via the APHIS Stakeholder Registry to anyone who has subscribed to receive Animal Care program updates. To subscribe to updates, register here.*

*Each update contains the following information:*

- *Link to access and download the online Inspection Guide*
  - *List of the revised page numbers*
  - *Purpose of the revision*
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The revised version reads:

*LIST OF UPDATES MADE TO THE FEBRUARY EDITION OF THE  
INSPECTION GUIDE*

*Section 2.8 Delivery of Inspection Report – Delivery of Attempted  
Inspections – Clarified guidance for delivery of all repeat AIs*

*Section 4.8 Courtesy Visits – Revised*

*Section 4.12 – Drive Thru Zoo/Park Inspection*

*Section 4.12.3 – Handling – Revised*

*Section 4.12.4 – Public Feeding – Revised*

*Section 4.19.2.1 – Conducting the Inspection – Added maximum number  
of dogs to inspect.*

*Section 7.1.2 – Review of the Program of Humane Care and Use and  
Facility Inspection*

- *Live Video guidance removed*
- *Use of Subcommittees guidance added*

While having a list of the revisions in the AWIG is helpful, having that same information distributed via the APHIS Stakeholder would be appreciated. Of note for the research community is that there are minimal changes to **Chapter 7 – Research Facility Inspection** with the exception of the items mentioned above in Section 7.1.2 and changes that were made to reflect the newly implemented regulations involving birds.

### **Senators Introduce Goldie’s Act**

On Mar. 21, 2024, Senator Blumenthal (D-CT) and Senator Scott (R-FL) introduced Goldie’s Act (S.4033). This legislation amends the Animal Welfare Act to strengthen enforcement of violations of the Act.

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Specifically, this bill would:

- *Amend the Animal Welfare Act to, among other things, allow USDA inspectors to unilaterally determine that a licensee has violated the AWA.*
- *Recast any noncompliance or deviation from regulatory standards put in place by USDA as an automatic violation of the AWA.*
- *On the sole basis of an inspector's findings a licensee would be subject to all of the penalties available under the AWA, including monetary fines, seizure of animals and suspension or revocation of their license.*
- *The bill as drafted would be the death knell of any possible resurrection of "teachable moments" despite its proven value and the lack of any binding Congressional action.*
- *In addition to recasting all deficiencies as violations of the AWA the bill would also require every alleged violation be reported to state and local authorities within 24 hours of an inspection, including minor issues, without any chance to appeal or correct.*

Goldie's Act was lobbied and supported by animal rights groups including the Humane Society, Animal Legal Defense Fund, and the American Society for the Prevention of Cruelty to Animals (ASPCA).

Bill text can be accessed [here](#).

The press release is available [here](#).

### **Notices Incorporating USDA Clarifications for Semiannual Evaluations**

On Mar. 22, 2024, the National Institutes of Health (NIH) released two new Guide Notices that incorporate USDA updates to guidance on semiannual evaluation flexibilities for Animal Welfare Act (AWA)-regulated animals. The updated versions will supersede previous versions.

Guide Notice [\*\*NOT-OD-24-076\*\*](#), *Guidance on Flexibilities for Conducting Semiannual Inspections of Animal Facilities*, incorporates these changes:

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- *For **AWA-regulated facilities**, the IACUC may use subcommittees composed of at least two committee members and may also invite ad hoc consultants to assist in conducting the inspections. More than one subcommittee may be utilized, such that different subcommittees may inspect different areas of a research facility. However, both members of any subcommittee must each physically inspect, at least once every six months, all of their designated areas of the research facility's animal facilities, including animal study areas.*
- *Although subcommittees may perform the inspections, the subcommittee(s) must present their findings to a convened quorum of the IACUC for approval.*
- *The report to the IO must be reviewed and signed by a majority of the IACUC members. Digital and scanned signatures are acceptable. Alternatively, an email acknowledgement from the member(s) may serve as their acceptance with the semiannual report. USDA will also accept an email acknowledgement directly from the IACUC member in lieu of a digital or wet ink signature that states "This serves as my signature for the semiannual report (or related statement)". These emails should be retained for the record by the IACUC.*
- *For areas housing **AWA-regulated species**, inspections must be physically performed; videos, photographs, written descriptions, or other remote methods are not appropriate.*

Guide Notice [\*\*NOT-OD-24-075\*\*](#), *Guidance on Flexibilities for Conducting Semiannual Program Review, incorporates the following change:*

- *For reviews of programs of humane animal care and use **involving AWA-regulated species**, the subcommittee(s) must present their findings to a convened quorum of the IACUC for approval.*

*There are no changes to OLAW's guidance on semiannual evaluation flexibilities for non-Animal Welfare Act (AWA)-regulated animals.*

## **STATE**

### **Maryland and Colorado Animal Research Bills Die in Committee**

As NABR previously reported, a bill and Maryland and Colorado were introduced earlier this year regarding the use of dogs and cats in biomedical research.

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Maryland bill ([SB761](#)) and Colorado bill ([SB067](#)) included many provisions such as additional reporting requirements and research animal adoption policies. A group of stakeholders in each state worked diligently to kill the bills in committee. No further action is expected.

NABR thanks all of those who worked hard to educate their policy makers in those states.

### **Michigan Bill Regarding Dogs and Cats in Research**

On Mar.14, 2024, Michigan state senators introduced [SB792](#). This legislation amends current law regarding reporting requirements by research facilities to the Michigan Dept. of Agriculture.

Specifically, the bill would require research facilities that use animal models to report the following information from the preceding year:

- - *The total number of laboratory animals owned by the research facility.*
  - *The total number of laboratory animals that are used for laboratory research conducted at the research facility.*
  - *The total number of laboratory animals released by the research facility.*
  - *The Michigan Dept. of Agriculture and Rural Development shall use this information to determine compliance and shall NOT make any information provided on the report available on the department's website.*

This legislation is awaiting further action in the Senate Regulatory Affairs Committee.

### **Utah Bill Bans Legal Personhood for Animals**

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On Mar. 20, 2024, Utah Governor Spencer J. Cox signed [HB249](#) into law. This law prohibits a government entity from granting or recognizing legal personhood in certain categories of nonhumans.

These include:

- - *Artificial intelligence*
  - *An inanimate object*
  - *A body of water*
  - *Land*
  - *Real property*
  - *Atmospheric gases*
  - *An astronomical object*
  - *Weather*
  - *A plant*
  - *A nonhuman animal*
  - *Any other member of a taxonomic domain that is not a human being*

This law will take effect on May 1, 2024.

Additional background information is available [here](#).

## **ANNOUNCEMENTS**

### **[NABR Webinar: “One Health and Animal Research: The Good, the Bad, and the Ugly”](#)**

Please join us on Tuesday, April 16<sup>th</sup>, at 12:30 p.m. EST when Jerrold Tannenbaum returns to our webinar series with a presentation titled: “One Health and Animal Research: The Good, the Bad, and the Ugly.” “One Health” is today the most influential organizing concept in the medical sciences. From the American Veterinary Medical Association, to the American Medical Association, to the World Health Organization, One Health is proclaimed — and virtually universally accepted — as both the primary goal of, and the underlying

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methodological approach used in medical and veterinary research, education, and practice.

This webinar will describe the crucial role laboratory animal research played in the development of the concept of One Medicine, the historical precursor of One Health. The discussion will review differing approaches to One Health and will discuss how biomedical animal research can be an important component of some of these approaches. The webinar will also highlight current approaches to One Health that provide challenges to laboratory animal research. These include the increasing use of privately owned animals, mainly pet cats and dogs, in clinical studies and trials. Of greater concern are approaches to One Health that diminish the importance of human and animal research that benefits human health; would require the diversion of critical resources away from animal research; incorporate concepts of “health” (such as environmental health, ecosystem health, or planetary health) that are unhelpful and may be incoherent; and include societal or geopolitical considerations that have no clear connection to science-driven biomedical research.

The webinar will examine how the biomedical research community can recognize and counter approaches to One Health that are inimical to or threaten animal research. The discussion will suggest ways the community can support and engage in approaches to One Health that appropriately benefit people, animals, and the environment.

Registration for the webinar is available [here](#).

**IACUC 101 Plus Virtual Workshop**

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The IACUC 101 Series announced its next workshop that will explore IACUC fundamentals appropriate for new and seasoned IACUC members, IACUC affiliates, and individuals responsible for their institution's animal care program.

The workshop will be held on **Apr. 24<sup>th</sup> and 25<sup>th</sup> and lasts six hours each day.**

*The course provides a basic yet comprehensive overview of the laws, regulations, and policies that govern the humane care and use of research animals. The USDA and OLAW will have representatives present to provide guidance on compliance issues and to provide agency updates. Registration is \$75.00.*

Registration ends Apr. 19 at 11pm. Register [here](#).

Future Topical Updates to the “Guide for the Care and Use of Laboratory Animals” - A Workshop

The Guide for the Care and Use of Laboratory Animals (the Guide), now in its 8th edition has served as a reference document on animal care and use for several decades. The current edition was published in 2011 and for the Guide to remain a relevant reference document, it needs to stay current on animal care and use issues.

This workshop will serve as a platform to share information and gather knowledge on topics related to the Guide to inform future updates and/or revisions to the Guide, including discussions exploring topics related to regulations, terminology, housing, dissemination formats, and other relevant topics.

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[Registration](#) is now open for the workshop which will take place Apr 23 – 24, 2024.

### **2024 Spring SCAW IACUC Training Workshop**

Registration is open for an interactive in-person workshop featuring a keynote address on the ethics of using animals in research, regulatory and AAALAC International updates, and scenario discussions presented by research professionals.

#### **April 9, 2024 |University of Maryland, Baltimore IACUC Training**

Registration is available [here](#).

*About SCAW: The [Scientists Center for Animal Welfare \(SCAW\)](#) is dedicated to balancing animal welfare and excellence in basic and applied scientific inquiry. SCAW's workshops further that mission by providing training from experts in animal research, including investigators, laboratory animal veterinarians, and representatives from the USDA, NIH OLAW, and AAALAC International.*

### **Lasker Foundation: Medical Essay Contest**

The Lasker Foundation is sponsoring a medical essay contest, promoted by the Journal of Clinical Investigation. This contest is a career-building opportunity for medical students/ biomedical research fellows/ grad students in the health science professions. The contest is sponsored by clients at the prestigious Lasker Foundation – *home to the Lasker Award that has been regarded as America's preeminent biomedical research prize for nearly 80 years.*

**Submissions for the Essay Contest are accepted now through April 2, 2024, 2 p.m. EST.**

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Each year, the Lasker student essay contest attracts several hundred talented, early-career medical students and researchers, brings them under the Lasker umbrella, invites them to hone their communication skills, and provides several winners with up to \$5,000 to offset university expenses, along with a resume-building opportunity. Winning essays will also be published in the July 2024 issue of the Journal of Clinical Investigation and on the Lasker Foundation website.

More information can be found [here](#).