



February 8, 2024

Deborah Kearse
Director, Division of Program Integrity
National Institutes of Health
Office of Management Assessment
6011 Executive Blvd., Suite 601, MSC 7669
Rockville, MD 20852

Via email: Deborah.Kearse@nih.gov

Dear Ms. Kearse,

On behalf of White Coat Waste Project (WCW) and its more than 3-million members and supporters, I am writing to alert your office to violations of federal law by the University of Rochester (UR) related to their cruel and wasteful experiments on cats funded by tax dollars via the National Institutes of Health (NIH). We also request that these noncompliant animal experimenters be debarred from future taxpayer funding.

VIOLATIONS OF FEDERAL SPENDING TRANSPARENCY LAW BY THE UNIVERSITY OF ROCHESTER

As you are aware, long-standing federal spending transparency law—known as the Stevens Amendment—requires that any press releases or statements describing taxpayer-funded projects under the Departments of Education, Labor and Health and Human Services (HHS) must include, “(1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.”¹

As we detail below, a University of Rochester's news blog about its cruel and wasteful NIH-funded experiments on cats violates this federal law.

A post on the UR's Flaum Eye Institute *News Blog* site summarizes 20 years of experiments conducted by a UR faculty member who causes eye injuries and subsequent visual distortion in cats. In the post, a published paper is referenced that details the cruel eye injury experiments on cats and acknowledges funding from the NIH.^{2,3}

¹ Sec 505 of the Labor, Health and Human Services, and Education Appropriations Bill, 2023

² Zachary Laird, “Huxlin, MacRae and URM colleagues discover a new approach to treat established corneal fibrosis.” [FEI News Blog](#). Accessed 2/8/24

³ Jeon, Kye-Im et al. “[Blocking Mitochondrial Pyruvate Transport Alters Corneal Myofibroblast Phenotype: A New Target for Treating Fibrosis](#).” *Investigative ophthalmology & visual science* vol. 64,13 (2023): 36. doi:10.1167/iovs.64.13.36

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A review of federal research databases shows that the NIH grants listed as funding sources on the experiment above have received over \$25.8 million of taxpayers' money.⁴

The aforementioned press release violates this federal law by failing to report the amount of taxpayer funding UR spent on cruel and wasteful experiments on animals, the percentage of total costs paid for by taxpayers, and how much -if any- was funded by private sources.

Additionally, we determined that virtually all of the University of Rochester's articles and releases reporting taxpayer-funded animal experiments violate the Stevens Amendment.⁵

SYSTEMIC SPENDING TRANSPARENCY FAILURES BY NIH GRANTEES

The current example is troubling, but it is a symptom of a broader problem. A report coauthored by WCW found widespread violations of the Stevens Amendment by NIH grant-receiving institutions performing wasteful animal experiments.^{6,7}

A Government Accountability Office (GAO) audit that followed the release of WCW's report cited our troublesome findings and wrote that, "NIH officials stated that they do not specifically monitor for Stevens Amendment compliance."^{8,9}

The GAO recommended that HHS (including NIH) begin enforcing the law, and HHS stated that it "would direct all operating divisions to design a process for implementing and monitoring the Stevens Amendment and would update HHS grants policy to reflect this new process" and that it "would address any non-compliance issues if they were raised."

Unfortunately, it appears NIH and its grantees continue to violate the law with impunity despite it being included in the NIH Grants Policy Statement under the heading "Acknowledgment of Federal Funding" and the NIH issuing notices specifically reminding grantees of this transparency mandate.^{10,11}

To stem this rampant noncompliance with the Stevens Amendment and improve transparency about federal spending, Senator Joni Ernst (R-IA) and Congressman Ralph Norman (R-SC) have introduced the Cost Openness and Spending Transparency (COST) Act to improve adherence to this commonsense, good government measure and extend it to cover all recipients of federal funds.¹²

REQUEST FOR ACTION

For over 30 years since the Stevens Amendment was first passed, recipients of NIH funding have been legally required to clearly disclose the cost of their projects, so taxpayers are aware of how their hard-earned money is being spent. Yet, evidence shows ongoing, widespread violations of this common-sense spending transparency law. The NIH has acknowledged this problem but abjectly failed to address it.

⁴ NIH grant [R01EY015836](#): \$7M since 2004; NIH grant [P30EY001319](#): \$18.8M since at least 1985.

⁵ [University of Rochester Science & Technology](#) site; [UR Flaum Eye Institute](#) site. Accessed 2/8/24.

⁶ [New report: Ivy League flunks on animal testing transparency](#), WCW Blog, 4/25/2017

⁷ [Up In Smoke: WCW Report Exposes Wasteful Cannabis And 'Vape' Animal Experiments](#), WCW Blog, 4/20/2022

⁸ [Feds confirm WCW report on animal testing transparency violations, propose reforms](#), WCW Blog, 3/14/2019

⁹ [Agency action required to ensure grantees identify federal contribution amounts](#), Government Accountability Office, 3/14/2019

¹⁰ [NIH grants policy statement \(Sec. 4.2.1\). Acknowledgement of federal funding](#).

¹¹ [NIH: Notice of legislative mandates in effect for FY 2023](#), 2/3/2023

¹² [Wasteful Animal Tests Prompt COST Act Re-Introduction](#), WCW Blog, 3/14/23

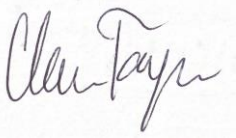
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We urge you to investigate the University of Rochester's ongoing violations of federal law documented in this letter and debar their cat experimenters for their repeated failure to properly disclose taxpayer funding.

Thank you for your attention to this matter. Please do not hesitate to contact me with any questions at ct@whitecoatwaste.org or 202-643-8453.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Claudia Taylor', written in dark ink on a light background.

Claudia Taylor
Research & Investigations Associate
White Coat Waste Project

cc: Charles Haman, Director, OMA
Meredith Stein, Deputy Director, OMA
Dr. Michael Lauer, Deputy Director, NIH Office of Extramural Research
NIH Hotline

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