



July 21, 2005

Senate Majority Leader Introduces Two Bills to Reduce Obesity; Requests TES Input

United States Senate Majority Leader Bill Frist, MD (R-TN) introduced two pieces of legislation on June 28 aimed at addressing the nation's obesity problem – the “Improved Nutrition and Physical Activity (IMPACT) Act” (S. 1325) and the “Childhood Obesity Reduction Act” (S. 1324). Both measures seek multifaceted approaches to solving the growing problems of obesity and eating disorders among the nation's children and young adults. According to the Centers for Disease Control and Prevention (CDC), one in three Americans born in the year 2000 will develop diabetes in their lifetime, due to childhood obesity.

The IMPACT bill addresses the increasing incidence of obesity, being overweight, and eating disorders, as well as related chronic conditions through several components. It would allot Title VII training grants to train more health professionals on proper methods and best practices of diagnosis and treatment. S. 1325 would also implement a pilot program to fund community organizations that conduct activities focusing on education, outreach, and treatment. These activities must have shown some positive outcome for (curbing) obesity and eating disorders. Finally, the IMPACT bill will yield information regarding current and past research conducted on obesity, results of the research, and implications for future investigations.

The “Childhood Obesity Reduction Act” was introduced by Senators Frist and Ron Wyden (D-OR). The measure promotes school and community-based activities that encourage proper nutritional habits and regular physical activity in children. It establishes a Congressional Council on Childhood Obesity to develop and implement initiatives to reduce obesity among elementary and middle school students, review and promote model nutrition and exercise plans, and coordinate public outreach and education efforts.

The Endocrine Society is an official supporter of both measures, and Senator Frist has solicited the Society's comments on and endorsement of these bills.

Both House and Senate Appropriations Bills Include Open Access Language

As previously reported in the *Insider*, in June, the House passed its version of the Fiscal Year 2006 Labor/HHS/Ed appropriations bill which included language requesting that NIH complete a report to Congress that provides: 1) the total number of applicable peer-reviewed articles deposited in PubMed Central since the May 2, 2005 implementation date; 2) the

embargo period requested by the author for each deposited work; and 3) NIH's best estimate of the total number of applicable peer-reviewed articles available for deposit during this time frame, together with an explanation of the mechanisms relied upon to determine this estimate.

This past week, the Senate Appropriations Committee passed its own version of the same legislation which also included language directing NIH to examine the open access issue. The Senate version differed slightly and directs NIH to submit a report to Congress containing: (1) the total number of peer-reviewed articles deposited in PubMed Central since the May 2, 2005 implementation date and the distribution of chosen delay periods; (2) an assessment of the extent to which the implemented policy has led to improved public access; (3) an assessment of the impact of the policy on the peer review system; and (4) the cost of operating the database. The two versions of the language will now be reconciled in a House and Senate conference committee before being enacted.

Both versions of the report language come following NIH's May 2nd launch of its Enhanced Access policy. NIH officials have stated that in the first three months of the policy about three percent of the eligible articles have been voluntarily submitted to NIH to be placed in the PubMed Central database for public review. TES remains concerned that strong advocates for the NIH open access policy are pushing for mandatory submissions of manuscripts rather than the current optional status of this "request." The Society maintains that mandatory submission of manuscripts, prior to its own 12-month open access policy, would be a violation of the copyright agreement between the Society and its authors. The Society continues to work with all the relevant stakeholders, including Congress and the NIH, to create an open access system that works for both publishers and the public.

Senate Provides Hope for NIH Funding

On July 14th, the Senate Appropriations Committee reported the FY 2006 Labor/HHS/Ed spending bill which includes funding for the National Institutes of Health (NIH). As reported by the Committee, the bill includes \$29.415 billion for NIH, an increase of \$1.050 billion over the FY 2005 appropriation and \$905 million over the President's budget request.

In June, the House approved its spending package for the agency at \$28.5 billion, up \$142 million from FY 2005 and at the level requested by the President. The next step in the process will be for a full Senate vote, then House and Senate appropriators to meet in a conference committee to work out the differences between the two versions of the spending bills.

Senate Angling for Alternate Stem Cell Legislation

According to the Hill publication *Roll Call*, the Senate Republican leadership is working to convince others in the Senate majority to support an alternative to the Stem Cell Research Enhancement Act which passed the House in May. The House-passed measure is scheduled to be voted on in the Senate in the coming weeks.

The Stem Cell Research Enhancement Act would allow the National Institutes of Health (NIH) to fund stem cell research on human embryos that are already slated for destruction.

The alternative Senate legislation would encourage NIH to develop methods of extracting stem cells from embryos without destroying them – which currently do not exist. Senate Majority Leader Bill Frist (R-TN) is pursuing recent scientific reports which suggest there may be ways to derive pluripotent cells without having to destroy human embryos in the process.

Representative Thomas Urges CMS to Fix the SGR Permanently

House Ways and Means Chairman Bill Thomas (R-CA) sent a letter to Mark McClellan, Administrator of the Centers for Medicare and Medicaid Services (CMS), on July 12. The letter, also signed by House Ways and Means Health Subcommittee Chairman Nancy L. Johnson (R-CT), urges Dr. McClellan to apply a permanent fix to the Sustainable Growth Rate (SGR) formula that will result in a 4.3 percent cut in physician payment updates beginning in 2006, and a subsequent 31 percent decline in rates from 2005 to 2012. The letter recommends that CMS remove prescription drug and biologic expenditures from the SGR formula back to the base period.

The letter also asks CMS to account for the costs of new benefits and expansion of existing benefits included in the SGR calculation, arguing that physician's payments are reduced when actual expenditures (including costs of expansion in existing benefits) increase more than allowed expenditures. Finally, the letter urges CMS to "tie physician payments to quality performance," referring to existing demonstration projects of performance-based payments in Medicare.

Senate Approves Crawford to Head FDA

On July 18th, the Senate approved acting FDA administrator Lester Crawford as the permanent commissioner. The Senate voted 78-16 in favor of Crawford after several members of the Senate who had blocked his nomination over the past year lifted their blockade.

Senators Hillary Clinton (D-NY) and Patty Murray (D-WA) had held the nomination until the FDA ruled on granting over-the-counter status to the contraceptive drug "Plan B." HHS Secretary Leavitt recently announced that FDA would rule on Plan B by September 1st. Following Leavitt's announcement Senators Clinton and Murray lifted their holds. Senator Tom Coburn (R-OK) had placed a hold on the nomination as well because he wanted the FDA to issue new labels for condoms that indicate condoms do not prevent all sexually transmitted diseases, his hold was also lifted but without comment. Senate leaders have called on Crawford to reestablish the American public's confidence in the FDA which they claim has been shaken due to various drug safety probes.

For questions regarding articles listed in *Endocrine Insider* or information on advocacy and policy activities within The Endocrine Society, contact the Government & Professional Affairs department:

Janet B. Kreizman, Director
301-941-0252
jkreizman@endo-society.org

Chris Rorick, Associate Director
301-941-0254
crorick@endo-society.org

Sarika Rane, Manager
301-951-2613
srane@endo-society.org

Lisa Marlow, Coordinator
240-482-1392
[lmarlow@endo-society.org](mailto:lmарlow@endo-society.org)