



The Honorable John Thune
Senate Majority Leader
Washington, DC 20510

The Honorable Charles Schumer
Senate Democratic Leader
Washington, DC 20510

The Honorable Mike Johnson
Speaker of the House
Washington, DC 20515

The Honorable Hakeem Jeffries
House Democratic Leader
Washington, DC 20515

The Honorable Susan Collins
Chair
Senate Appropriations Committee
Washington, DC 20510

The Honorable Patty Murray
Vice Chair
Senate Appropriations Committee
Washington, DC 20510

The Honorable Tom Cole
Chair
House Appropriations Committee
Washington, DC 20515

The Honorable Rosa DeLauro
Ranking Member
House Appropriations Committee
Washington, DC 20515

February 19, 2025

Dear Leaders Thune and Schumer, Speaker Johnson, Leader Jeffries, Chairs Collins and Cole, Vice Chair Murray, and Ranking Member DeLauro,

The Federation of American Societies for Experimental Biology (FASEB) would like to convey our concerns over recent actions from the administration that have been incredibly detrimental to the operations of the National Institutes of Health (NIH). FASEB was founded in 1912 and our mission is to advance health and well-being by promoting research and education in biological and biomedical sciences through collaborative advocacy and service to our societies and their members. FASEB represents over 110,000 researchers from 22 member societies.

On January 27, the White House Office of Management and Budget (OMB) directed federal departments and agencies, including those that fund biomedical and biological research, to pause distribution of all federal grants and awards that may be implicated by recent executive orders issued by the administration. The funding freeze was supposed to go into effect at 5:00 pm on January 28. U.S. District Judge Loren Alikhan blocked the implementation of the OMB directive minutes before the deadline. However, the judge's order expired at 5:00 pm on February 3.

Pursuant to a memorandum of opinion and order issued on Feb. 3, the judge granted the Plaintiff's ([National Council of Nonprofits, et. al](#)) temporary restraining order and denied the Defendants' (OMB) motion to dismiss. Thereby Defendants were "enjoined from implement, giving effect to, or reinstating under a different name the directives in OMB Memo M-25-134 with respect to the disbursement of Federal Funds under all open awards."

Following the withdrawal of OMB Memo M-25-13 on January 29, there was still widespread confusion about whether federal grant funds could be released. Finally, on February 12, former NIH Deputy Director for Extramural Research Michael Lauer and Chief Grants Management Officer Michelle Bulls issued a memo to all NIH institutes and centers stating, "In consultation with NIH leadership and with the Office of General Counsel (OGC), we recognize that NIH programs fall under recently issued Temporary

Restraining Orders (*New York et al. v. U.S. Office of Management and Budget and Commonwealth of Massachusetts et al. v. National Institutes of Health et al.*). Therefore, with this memo, IC CGMOs are authorized, along with their respective grants management staff, to proceed with issuing awards for all competing, non-competing continuation, and administrative supplements (previously cleared through Office of Extramural Research) grants. Until further notice, as awards are issued, ICs must follow their existing FY25 IC funding policies and use the previously approved negotiated indirect cost rates.”

FASEB believes strongly in the need to protect ongoing research and the federal research enterprise. Funding for grants that were affected by the OMB Directive was already approved by Congress and many studies and clinical trials are underway after years of careful planning and data collection.

In addition, the administration’s attempt to apply a 15 percent rate for Facilities and Administration (F&A) costs for all existing and new grants to institutions of higher education effective February 10, 2025, conflicts with existing rates contracted between institutions and the Department of Health and Human Services. For the majority of research institutions, this flat F&A rate represents a minimum 50 percent decrease in funds that support the facilities where research is conducted. These funds cover maintenance of shared equipment and resources, compliance with measures to ensure patient privacy and research security, and utilities, such as appropriate management of biohazardous materials. These are real costs that will stymie the pursuit of research and risk the safety of those working in or with research facilities.

Although the district court in Massachusetts [issued](#) a temporary restraining order blocking DHHS and NIH from implementing the 15 percent rate in all 50 states, millions of dollars in research funding could be in jeopardy depending on the resolution of this issue in the courts or as directed by Congress. As you are aware, NIH funding is [dispersed](#) to research institutions in all 50 states and more than 300 congressional districts.

We face the threat of losing our national competitiveness and will not be able to maintain our edge in industries such as biotechnology if the current disruptions to normal NIH operations continue. The U.S. spends less on research and development than many countries. If the U.S. is to be prepared to respond to future threats, our scientific leadership must progress. Furthermore, biomedical research is a significant contributor to the U.S economy. According to a 2023 [analysis](#) from Science Is Us, more than 67 million workers in the U.S. are professionals in science, technology, engineering, and math (STEM) fields and direct STEM economic activity accounted for 40.5 percent of U.S gross domestic product in 2021.

The partnership between the federal government and public and private research institutions has made NIH the largest public funder of biomedical and behavioral research in the world and the driving force behind decades of advances that have improved health, revolutionized science, and served society more broadly. While touted as a path towards achieving necessary cost savings and increasing efficiency, the draconian approach currently being taken by the administration will slow progress towards life-saving research, impede health care delivery, reduce training of the next generation of scientists, negatively affect local economies, and cede our nation’s leadership in science to other countries.

We implore you to work in a bipartisan manner to ensure that NIH is able to spend funds appropriated by Congress and signed into law and to exercise all authorities granted to the legislative branch by the U.S Constitution. FASEB is counting on your leadership and looks forward to working with you to ensure that the U.S. remains at the forefront of innovation and scientific discovery.

Sincerely,



Beth A. Garvy
FASEB President