

Don't Stop Thinking about Tomorrow

The rock group Fleetwood Mac first sang it in the 1970s, and politicians have adopted it as their campaign theme songs since the 1990s. Now, the U.S. National Institutes of Health (NIH) has decided that it needs to think about tomorrow too.

NIH Director Francis Collins has created a new committee to look at the future of the biomedical research workforce in the U.S. The committee, the External Working Group on the Future Biomedical Workforce, is co-chaired by Princeton University President Shirley Tilghman and NIH Deputy Director for Extramural Research Sally Rockey. Working Group members include ASCB member Keith Yamamoto.

In a press release announcing the formation

of the Working Group, Collins was quoted as saying, "The working group [sic] will help lay the foundation for ensuring that we have the biomedical workforce we will need to usher in the next generation of scientific discoveries."

The Working Group will explore questions like:

- What is the proper size of the biomedical workforce?
- What positions should be supported in order to allow for successful careers?
- How should these positions be supported?
- What training should be provided?

The Working Group's recommendations will be presented to the Advisory Committee to the NIH Director, which advises the NIH Director on policy issues. ■

—Kevin M. Wilson

"Tense" Ruling Saves Stem Cell Research

The future of federally funded human embryonic stem cell (hESC) research may have been decided, in part, by a 2010 United States Supreme Court decision that said, in part, "the present tense generally does not include the past."

In a long-awaited decision on the merits of a lower court order halting federally funded hESC research, the United States Court of Appeals for the District of Columbia ruled that the U.S. National Institutes of Health (NIH) Guidelines for Human Stem Cell Research do not violate the Dickey-Wicker amendment. Dickey-Wicker is a provision of annual NIH funding bills that prohibits the use of federal funds to create human embryos for research purposes or for research in which embryos are destroyed, discarded, or knowingly subjected to risk.

The Court of Appeals was asked to review a preliminary injunction on federally funded research issued by United States District Court for the District of Columbia. The District Court had issued the preliminary injunction after concluding that the plaintiffs were likely to succeed in showing that the NIH Guidelines violated Dickey-Wicker.

Citing the 2010 Supreme Court opinion, the Appeals Court disagreed, ruling that the

language of Dickey-Wicker was ambiguous and does not extend to past actions, particularly the derivation of embryonic stem cells. According to the Appeals Court ruling, "The use of the present tense in a statute strongly suggests it does not extend to past actions."

The District Court also ruled that the NIH Guidelines would threaten the livelihoods of the plaintiffs without harming other stem cell researchers. The Appeals Court rejected that line of thinking as well, saying that "The hardship a preliminary injunction would impose on ESC researchers, by contrast, would be certain and substantial."

Elaborate legal options, including an ultimate review by the United States Supreme Court, still exist for the plaintiffs. However, legal experts familiar with the court case are confident that the decision by the Court of Appeals will play a positive and significant role in the future of the court case.

The ruling by the Appeals Court may also open the door for legislation on both sides of the political debate in Congress.

To read the complete Appeals Court decision, go to www.camradvocacy.org/resources.cfm. ■

—Kevin M. Wilson