

**Testimony of Daniel Paul Perez, President & CEO of the FSH Society, Inc.  
Before the U.S. Senate Appropriations, Subcommittee on Labor, Health and Human Services,  
Education and Related Agencies on the Subject of  
FY2009 Appropriations for National Institutes of Health (NIH) for  
Research on Facioscapulohumeral Muscular Dystrophy (FSHD) April 27, 2008**

Mr. Chairman, Honorable Senator Specter and Honorable Senator Tom Harkin, thank you for the opportunity to testify before your subcommittee.

I am here to remind you that muscular dystrophy (MD) is still taking its toll. As a patient with facioscapulohumeral muscular dystrophy (FSHD), I have experienced the constant loss of function this disease leaves in its wake.

We request this year in FY2009 immediate and necessary help for those of us coping with and dying from facioscapulohumeral muscular dystrophy, FSHD and MD, as we did in FY2008. **Specifically we ask that the Senate and the Appropriations Subcommittee on Labor, HHS, Education and Related Agencies consider:**

1. Resuming the five year doubling of the National Institutes of Health (NIH) budget. Over the past year the research funding situation has gone from bad to worse and we have lost opportunities to fund excellent research.

2. Appropriating \$80 million to MD research at the NIH in FY2009 and steadily increasing this amount to at least \$125 million annually over the next five years.

3. Making NIH funding comprehensive for basic research **in each of the nine types of MD** as well as creating an equitable distribution for each MD across the Senator Paul D. Wellstone Muscular Dystrophy Cooperative Research Center network, program projects, basic research projects, clinical research, training programs and translational research programs. **We explicitly draw your attention to the subtle nuance of mandating NIH to have centers and comprehensive research portfolios “in all” the muscular dystrophies, versus, NIH having centers and a comprehensive research portfolio “in each of” the muscular dystrophies.** This seemingly insignificant one word addition transforms death into life for all patients and families with MD.

**Our first request** calls for increasing the NIH budget and resuming the five year doubling. The wars in Iraq, Afghanistan, tax cuts and the turmoil in the financial markets have essentially significantly slowed any progress in biomedical research. We all know that America has fallen far behind in biomedical research funding. As a person with a disease that is potentially treatable, I find it hard to reconcile the generosity of the Congress towards the wars, and bailing out institutions that have put us all at financial risk, against the lack of action on behalf of sick and dying citizens. The NIH budget at \$29.2 billion is a miniscule fraction of these other expenses. Doubling a tiny fraction is still a tiny fraction. For those in Congress who ask the NIH, “Where are the cures?” – consider that the NIH budget of \$29.2 billion covering thousands of diseases is a fraction of the market capitalization of a large pharmaceutical company covering a few disease areas. Consider also that the main job of NIH is basic science, not drug development, and that the pharmaceutical companies, the American public and people throughout the world benefit directly from the NIH investment in science. Please act now to refocus spending on American infrastructure before trust and confidence, and a new generation of biomedical scientists who rely on the NIH for funding their research programs, is lost.

**Our second request** calls for NIH to build and grow its funding for muscular dystrophy (MD) research to a level commensurate with diseases of similar burden. A wide disparity still exists in funding for MD. This is a matter for both Appropriations and for the NIH with its wide discretion on funding for diseases. More funding would help balance these disparities and accelerate treatments and cures for diseases. We request that the Director of the NIH consider a more equitable amount for MD that is solidly in line with its disease peers at \$80 to \$125 million.

**Our third request** asks the Appropriations Committee to request that the Director of the NIH increase the amount of FSHD research and projects in its portfolios using all available mechanisms and interagency committees. Given the knowledge base and current opportunity for breakthroughs in

ameliorating, treating and perhaps curing FSHD it is inequitable that only two of the twelve NIH institutes covering muscular dystrophy have a handful of research grants for FSHD. Why is FSHD research virtually non-existent in the Senator Paul D. Wellstone MD Cooperative Research Centers (CRCs)? Funding should include projects from the NIH roadmap, extramural programs, intramural programs, Senator Wellstone MD CRCs and similar program projects that have a major focus on FSHD.

FSHD is the second most prevalent adult muscular dystrophy. The incidence of the disease is conservatively estimated to be 1 in 20,000. The prevalence of the disease, those living with the disease ranges from 15,000 to 40,000 Americans based on our increasing experiences with the disease and accurate diagnostic tests. For men, women, and children the major consequence of inheriting FSHD is a lifelong progressive and severe loss of all skeletal muscles. FSHD is a terrible, crippling and life shortening disease. It is genetically transmitted to children and it affects entire family constellations.

**How is facioscapulohumeral muscular dystrophy (FSHD) research at the NIH doing in 2008,** seven years after the MD CARE Act 2001 was passed, and, thirteen years after our first testimony in person before the Honorable Senator Harkin of this honorable Committee?

We applaud Dr. Story Landis, Director, National Institute of Neurological Disorders and Stroke (NINDS), and, current Chair of the Muscular Dystrophy Coordinating Committee (MDCC); Dr. Stephen I. Katz, Director, National Institute of Arthritis and Musculoskeletal Disorders (NIAMS) and past-Chairman of the MDCC; Dr. John Porter, Program Director Muscular Dystrophy, NINDS, and Executive Secretary of the MDCC, and; Dr. Glen Nuckolls, Program Director Muscular Dystrophy, NIAMS, for their extraordinary comprehension, insight, accuracy and speed with which the NIH Action Plan for Muscular Dystrophy was researched, compiled, written, and approved. The NIH is making significant investments to understand muscular dystrophy research needs and has made excellent choices in recruiting program staff with the ability to understand the extremely complex nature of each of the muscular dystrophies.

Between fiscal year 2006 and 2007, NIH overall funding for muscular dystrophy increased from \$39,913,000 to \$47,179,000, an 18 percent increase. Figures from the NIH Appropriations History for Muscular Dystrophy show that from the inception of the MD CARE Act 2001 funding has doubled for muscular dystrophy.

Between fiscal year 2006 and 2007, NIH funding for facioscapulohumeral muscular dystrophy (FSHD) increased from \$1,732,655 to \$4,108,555. In fiscal 2007, FSHD was 8.7% of the total muscular dystrophy funding (\$4.109M / \$47.179M).

### **National Institutes of Health (NIH) Appropriations History**

**Source: NIH/OD Budget Office & NIH OCPL (Dollars in millions)**

<b>Fiscal Year</b>	<b>NIH Overall Dollars</b>	<b>MD Research Dollars</b>	<b>FSHD Research Dollars</b>	<b>FSHD % of MD</b>
2000	\$17,821	\$12.6	\$0.4	3%
2001	\$20,458	\$21.0	\$0.5	2%
2002	\$23,296	\$27.6	\$1.3	5%
2003	\$27,067	\$39.1	\$1.5	4%
2004	\$27,887	\$38.7	\$2.2	6%
2005	\$28,494	\$39.5	\$2.0	5%
2006	\$28,587	\$39.913	\$1.7	4%
2007	\$28,899	\$47,179	\$4.109	8.7%
2008	\$29,230Est	\$47,221Est	-	-

Facioscapulohumeral muscular dystrophy (FSHD) is the second most prevalent adult muscular dystrophy after myotonic muscular dystrophy (DM). We are very concerned about the wide disparity in funding between the most widely recognized pediatric Duchenne muscular dystrophy (DMD) and the entire group of the other eight types of MD. DMD has exclusive funding from the Centers for Disease Control (CDC), Department of Defense (DoD) and more than half (>50%) of NIH funding for MD. This is astounding considering facioscapulohumeral muscular dystrophy (FSHD) and myotonic dystrophy

(DM) are each individually more prevalent than DMD and each received 5% and 15% respectively of total muscular dystrophy dollars as last reported by the NIH to Congress!

Between 2006 and 2007, the NINDS became the lead institute for funding in MD. Historically, the NIAMS in its mission statement has been primarily responsible for and has been the lead institute for muscle disease research. The Center for Scientific Review (CSR) routes the majority of MD grant applications to NIAMS based on its mission. In fiscal year 2007, NIAMS was the second largest contributor, followed by the National Institute of Child Health and Human Development (NICHD) as third, and the National Heart, Lung and Blood Institute (NHLBI) as fourth. It should be troubling that muscular dystrophy spending has declined significantly in several key institutes that could bring tremendous impact to these devastating diseases.

**National Institutes of Health (NIH) Muscular Dystrophy Funding by Institute FY2007**

**Source: NIH/OD Budget Office (Dollars in millions)**

Participating ICs	FY 2006 Actual	FY 2007 Actual	Change
NINDS	12.697	19.347	+51.6%
NIAMS	16.576	17.734	+7%
NICHD	4.818	4.591	-4.7%
NHLBI	2.270	2.458	+8.3%
NIA	1.865	1.882	+0.9%
NCRR	0.770	0.679	-11.8%
NCI	0.495	0.426	-13.9%
NHGRI	0.391	0.161	-58.8%
NINR	0.031	-	-
NEI, NIMH, FIC, OD	0.0	0.0	0%

**NINDS:** In fy2007, NINDS spent \$2,612,994 on FSHD and \$19,247,940 on MD. 47 projects, including Wellstone CRC components, were funded. FSHD was 13.6 percent of NINDS MD funding. NINDS funding, for FSHD research was limited to three research grants, one research fellowship, one research contract, one-quarter of a Wellstone MDCRC and one-half of a Translational Research Center research grant for a total of six projects. Despite the shortness of this list, NINDS funding for FSHD went up by \$1,191,398 or 83.8%. Total funding for MD by NINDS increased over the year by \$6,551,266 or 51.6%, overall.

**NIAMS:** In fy2007, NIAMS spent \$1,495,561 on FSHD and \$17,734,317 on MD. MD research comprises 89 projects, including Wellstone MDCRC components. FSHD was 8.4 percent of NIAMS MD funding. NIAMS funding, for FSHD research was limited to four research grants, one research contract, and 2% of a Translational Research Center for a total of six projects. Despite the shortness of this list, NIAMS funding for FSHD went up by \$1,184,502 or 381%. Total funding for MD by NIAMS increased over the year by \$1,158,000 or 7%, overall.

**NICHD:** In fy2007, NICHD spent \$0 on FSHD and of \$4,591,826 on all MD. A total of 17 projects, including three Wellstone MDCRC centers were funded. Research for FSHD was zero percent of the budget for MD research at NICHD: total funding was \$0. Total funding for MD research by NICHD decreased over the previous year by \$225,756 or 4.7%, overall.

**NHLBI:** In fy2007, NHLBI spent \$0 on FSHD and \$2.458 million on MD research in general. FSHD was zero percent of NHLBI fy2007 MD funding. This should be of grave concern as respiratory insufficiency and failure is becoming increasingly recognized as a cause of poor quality of life and, even more significantly, of death in FSHD.

The MD CARE Act 2001 mandates the Director to intensify efforts and research in the muscular dystrophies, including FSHD, across the entire NIH. It should be very concerning that only two of the institutes at the NIH are funding FSHD. NICHD, NHLBI, NHGRI, NCI and NCRR are all aware of the high impact each could have on FSHD. Research on FSHD is certainly still far behind when we look at the breadth of research coverage NIH-wide.

Centers of excellence -- Wellstone MD Cooperative Research Centers (MDCRCs, U54s) are mandated by the MD CARE Act 2001 and, to date, have not been established to cover each of the nine types of MD. There is an inequitable distribution of research in each of the muscular dystrophies across the Wellstone centers with almost two-thirds of the entire center network, four out of six centers, focusing on DMD. FSHD has about a five (5) percent share of the portfolio of all the Wellstone centers. Today, the NIH has six Wellstone centers, but they have almost no presence for FSHD, and nothing at all for related dystrophies such as Emery-Dreifuss Muscular Dystrophy (EDMD) and Oculopharyngeal dystrophy (OPMD).

I am here once again to remind you that FSH muscular dystrophy (FSHD) is taking its toll on your citizens. FSHD illustrates the disparity in funding across the muscular dystrophies and recalcitrance in growth over twenty years despite consistent pressure from appropriations language and Appropriations Committee questions, and an authorization from Congress mandating research on FSHD.

**We implore the Congress to resume the doubling of NIH funding every five years.** Under the current budget, research funding has been so restricted that often only the top tenth percentile, or better, receive grants. With funding pay lines at ten percent, plus or minus a few percent, excellent research proposals are going unfunded. We request that the Appropriations Committee act now to restore the lifeline to biomedical research in the United States to avoid an accelerated loss of researchers and clinicians.

**We request that \$80 million to \$125 million annually be appropriated for muscular dystrophy.** We all know that for research in a particular disease area to grow -- grant applications must be received and grant applications must be funded. The majority of growth in any disease area at the NIH is obtained through unsolicited applications. In the widest sense, in order for NIH to increase the MD portfolio across the missions of applicable and participating institutes more funding is needed for the NIH. We request that the Appropriations Committee help increase the number of unsolicited FSHD and MD grants awarded by lowering the pay lines with an increase in the overall pool of funds NIH works with.

We have learned from experience that the FSH Society as a volunteer health agency and the patients it represents serves a vital function in developing research. We develop an area of research to a point where the NIH can then push the research to much greater productivity. The FSH Society has invested over \$2 million in the last nine years into nearly seventy post-doctoral and research fellowships and grants. In the last two years, our understanding of how FSHD mechanistically works has dramatically increased. This, in turn, allows researchers to fill the gaps between mechanistic knowledge to translational research to clinical trials. This knowledge has dramatically increased thanks to the efforts of patients, the FSH Society, researchers, clinicians and the NIH. Investments from small non-profits like the FSH Society have allowed the global funding and initiation of novel challenging and promising research in FSHD. Two of the three research projects funded by NINDS are past FSH Society research fellows (5-R01-NS048859-04 M. Ehrlich, 5-R01-NS047584-05 R.G. Tupler). Three of the four research projects funded by NIAMS are past FSH Society research fellows (1-R01-AR-52027-01-A2 Y.W. Chen, 1-R01-AR-56129-01-A2 R.G. Tupler, 1-R21-AR-55876-01 S. van der Maarel) and the fourth project came from FSH Society patient networking activities (1-R01-AR-55877-01 P.L. Jones).

**We request that the Director of the NIH be more proactive in facilitating both unsolicited and solicited grant applications on facioscapulohumeral muscular dystrophy, facioscapulohumeral disease, FSH muscular dystrophy and FSHD from new and existing investigators and through new and existing mechanisms, special initiatives, training grants and workshops -- to bring knowledge of FSHD to the next level.**

Thanks to your efforts and the efforts of your Committee, Mr. Chairman and Mr. Harkin, the Congress, the NIH and the FSH Society are all working to promote progress in facioscapulohumeral muscular dystrophy research. We are pleased to see FSHD funding from the NIH and federal research agencies gaining traction. FSHD funding is just now beginning to grow. Our successes are just beginning and your continued support is crucial.

We ask you to fund biomedical research, fund the National Institutes of Health (NIH), fund muscular dystrophy (MD) research, and fund facioscapulohumeral muscular dystrophy (FSHD) research.

Mr. Chairman, thank you for this opportunity to testify before your committee.