

Dear Colleague,

We are writing to bring to your attention a developing and urgent problem with the FY10 budget for Nuclear Physics at DOE and to urge you to contact your members of Congress immediately about the issue since the budget process is converging rapidly and it might soon be too late to have an impact. You are resident in a state with a Senator on the Senate Energy and Water Development Sub-Committee and/or in a district with a Representative on the House Energy and Water Development Sub-Committee, so your action on this issue is of particular importance.

As many of you know, following very positive funding actions for the DOE Office of Nuclear Physics in the FY09 appropriations process and in the 2009 American Recovery and Reinvestment Act stimulus, the prospects for FY10 funding for nuclear physics are problematic despite a generally favorable budget outlook for the Office of Science as a whole. Both the House and Senate have passed their versions of the Energy and Water Development Appropriations Act for FY10, and the Conference Committee between the House and Senate (which will produce a final bill to be voted on by the House and Senate and signed by the President) is expected to occur in early September.

The key language in each bill relevant to the Office of Nuclear Physics is quoted in Appendix A below. The bottom line is that compared to the FY 2010 Budget Request, the House Mark reduces nuclear physics research activities by \$28.5M and the Senate Mark reduces it by \$29.5M, when one includes the prescriptive language. The "Committee" in the language quoted below refers in each case to the Appropriations Committee.

There are three broad areas of interest to our community. The first is that the overall budget levels are reduced by the House language to \$536.455M total and by the Senate bill to \$540M total (both down relative to the President's proposed budget level of \$552M). Further, in the House bill, there is a \$5M cut in Low Energy Nuclear Physics research funding (with another \$3M redirected to increase FRIB activities within available funds). The House bill also mandates a reduction of \$10M in the construction budget for the Jefferson Lab 12 GeV Upgrade "in light of reduced requirements for the project" (although the requirements have not changed) and a redirection of \$10M to the isotopes subprogram from the rest of the NP program.

Finally, the Senate bill includes a redirection of \$17.5M from the NP program to support a transfer of scope from DOE's Office of Biological and Environmental Research (OBER) into NP without the associated transfer of funds. While transferring the Isotope Production for Research and Applications Program to NP (which was done in FY09) takes full advantage of NP's proven strengths in effectively managing facilities, the addition of a "nuclear medicine application research" program requires expertise and includes requirements of a substantially different character.

The bottom line is that the House and Senate Marks would lead to significant reductions in force at universities and laboratories; either Mark will necessitate a redirection of the Nuclear Physics program.

Clearly we would all prefer that the total for DOE Nuclear Physics be close to the President's request, but the more disturbing aspect of the House and Senate actions so far is the prescriptive language, which would have the effect of significantly reducing the flexibility of the Office to maintain the core scientific program and support the highest priority research activities. Members of the DNP Funding Committee have spoken very recently with House and Senate staffers to try to understand the logic and intent of some of this language, and will continue to pursue these critical issues on our behalf.

**We believe the DNP membership also can and should play a role by contacting their members of Congress.** Unfortunately time is short to make a difference. While the Conference Committee is expected to meet in September, these formal meetings are generally just ratifications of detailed work which is done before the meeting. So the next few weeks are critical. Please consider writing your Congressperson and Senators right away. A sample letter is posted on the APS website, and the information on how to access it, edit it, and send it are provided below. You should feel free to adapt the sample to make it personal to you. We believe the key messages should be:

1. The community appreciates the strong support for nuclear physics research that Congress has been providing, especially recently.
2. The nuclear physics community has traditionally worked closely and successfully with the DOE Office of Nuclear Physics to formulate and carry out a rich and varied research program which has benefitted the nation in many ways.
3. The DOE NP office has proven its ability to manage large and complex programs, but only if given a chance to integrate them carefully into the rest of the program. An example is the Isotopes program, which Congress moved to NP with the FY09 appropriations act. Congress also mandated that a plan be developed which would secure the long term success of the Isotopes program within NP. This planning process, involving collaboration between the DOE, industrial and medical stakeholders, and the nuclear science community, is still underway.
4. We ask that Congress continue to allow the flexibility it has traditionally given the DOE NP Office to manage its research and development portfolio within the total available funds.

The process of writing your Senator or Congressperson is greatly simplified via the APS website developed for this purpose:

( <http://www.aps.org/policy/tools/alerts/> )

On that webpage, select the “FY10 DNP/DOE Letter – Write your Legislator” button. This will take you to a page where, by entering your address information, you can create either a Microsoft Word document or an email, based on the draft sample we have posted. It will be properly addressed, and you can easily edit if you wish to send your own, more personal message. We recommend that you send your message by email unless you are intending to deliver it to your Senator or Congressperson’s office by hand because conventional mail delivery to Congress takes an extraordinarily long time due to security measures now in place.

It is important that you make clear that you are a constituent (as is done in the sample letter provided). Also, in writing a letter of this type, which is lobbying Congress, you must be sensitive about your institution’s rules for such activities. Often it is required that you do the work from home using your personal resources.

It may also help to target your message by calling the member’s office and (see the “Find your Legislators” section at the bottom of the APS webpage above for help in getting the number), asking for the name of the science or appropriations staffer and then sending a copy of the email to their attention. The message should, however, formally be addressed to the member.

Thank you for helping our community at this critical time.

Lawrence S. Cardman (DNP Chair)  
William A. Zajc (DNP Vice Chair)  
Robert E. Tribble (DNP Chair Elect)  
Richard F. Casten (DNP Past Chair)

## **APPENDIX A: DETAILED LANGUAGE IN THE HOUSE AND SENATE BILLS:**

### HOUSE

“The Committee recommendation for Nuclear Physics is \$536,455,000, \$15,545,000 below the request.

The Committee recommends \$111,816,000 for Low Energy Nuclear Physics, \$5,000,000 below the request. From within these funds, the Committee recommends \$12,000,000, \$3,000,000 above the request, for the Facility for Rare Isotope Beams.

The Committee recommends \$12,000,000 for the 12GeV continuous electron beam facility upgrade at the Thomas Jefferson Laboratory, \$10,000,000 below the request in light of reduced requirements for the project.

The Committee recommends \$29,200,000, \$10,000,000 above the request, for Isotope Development and Production for Research and Applications, University Operations. The Committee is aware that several universities, including the University of California at Davis and Idaho State University, operate facilities with the potential to make important contributions to the nation’s supply of medical isotopes. The Committee directs the Department to work with the academic community to most cost-effectively increase the availability of medical isotopes.”

### SENATE

“The Committee recommends \$540,000,000 for Nuclear Physics. Within the funds provided, \$17,500,000 is for nuclear medicine medical application research. The Committee emphasized its commitment to nuclear medicine medical application research at the Department of Energy. All of the added funds must be awarded competitively in one or more solicitation that includes all sources – universities, the private sector, and Government laboratories. Funding for nuclear medicine application research was previously within the Biological and Environmental Research program.”

\*\*\*\*\*WHAT DOES THIS LANGUAGE MEAN FOR NUCLEAR PHYSICS?\*\*\*\*\*

The President’s request for DOE Nuclear Physics for FY10 is \$552M, an increase of \$39.9M, or 7.8%, over FY09. The House total for FY10 is \$24.355M, or 4.8%, over FY09. If one considers the additional cuts and redirections (\$12M) contained in the House language, the effective increase from FY09 to FY10 for the “base” nuclear physics program would be \$12.355M, or 2.4%.

The Senate total for FY10 is \$27.9M, or 5.5%, over FY09. If one considers the requirement to spend \$17.5M on the nuclear medicine application research program, the effective increase from FY09 to FY10 for the “base” nuclear physics program would be \$10.4M, or 2.0%.