November 28, 2011

Dear Colleague,

We are writing with respect to H.R. 3433, the “GRANT Act”, which was ordered reported by the Oversight and Government Reform Committee on November 17, 2011. Although the bill as introduced addressed some of our concerns with previous drafts of this legislation, it was rushed through the Committee before we were able to address a significant concern raised by universities and federal scientific agencies.

These entities are concerned by a provision in the bill that would require grant-making agencies to post online complete copies of all applications submitted to them. This requirement could endanger American intellectual property and potentially allow groundbreaking American innovations to be stolen by competing institutions and foreign adversaries.

This requirement would also create an immense amount of paperwork for agencies and universities. Estimates suggest that the National Science Foundation alone could be required to post well over 150,000 pages of documents. Further, agency and university lawyers would have to perform extensive redactions of every grant application to ensure that no intellectual property or proprietary information would be made public. At a time when federal agency and university funding is declining significantly, it makes no sense to impose such a labor-intensive new requirement.

Representatives from the Defense Advanced Research Projects Agency, the National Institutes of Health, the National Science Foundation, and major research universities have all recommended that abstracts of grant proposals, rather than full grant applications, be posted online. Unfortunately, the Committee majority rejected a simple amendment that would have implemented this recommendation. This amendment would have provided a sufficient level of transparency without requiring agencies and universities to hire teams of lawyers to redact grant applications.

We hope to work with Reps. Lankford and Issa to fix this problem in the GRANT Act before it is considered by the House, but pending adoption of this change, we urge you to join us in opposing this bill. We cannot afford, even unintentionally, to impose new, expensive requirements on cash-strapped universities and federal agencies. More critically, we cannot afford to risk that foreign adversaries could access America’s vital intellectual property by simply copying it off federal websites directly from grant applications.

Sincerely,

Elijah Cummings
Ranking Member
Committee on Oversight and Government Reform

Gerald E. Connolly
Ranking Member
Subcommittee on Technology, Information Policy, Intergovernmental Relations, and Procurement Reform