Dear Speaker Boehner and Leader Pelosi,

We are writing to express our serious concerns about the Grant Reform and New Transparency (GRANT) Act of 2011 (H.R. 3433). Several provisions in this bill pose significant threats to our nation’s scientific research system and will stifle innovation and economic growth. We ask that these troubling provisions be addressed before the House acts on this bill.

Scientific research not only creates jobs directly for those involved, but does so indirectly for many others through innovations that lead to new technologies, new industries and new companies. In fact, more than half of U.S. economic growth since World War II has been attributed to technological innovation. Such groundbreaking research has created vaccines, lasers, the MRI, Global Positioning Systems, the Internet, and a host of other advances that have grown our economy, improved our health, and made our nation stronger and more secure.

The GRANT Act poses a significant threat to the research and innovation system that produced these economic drivers because it includes provisions that undermine the peer review process and threaten intellectual property rights. The most troubling provision in the GRANT Act is the requirement that grant proposals be published in full on the Office of Management and Budget website. Grant proposals typically contain proprietary intellectual information related to the applicant’s hypotheses, novel experimental methods, and preliminary research findings. Making these ideas and data publicly available to everyone would undermine the intellectual property rights of awardees and their institutions.

Although the GRANT Act contains provisions that attempt to protect the intellectual property of grant awardees, it does not go far enough to protect sensitive information from potential competitors, including foreign entities, which currently do not have the same access to federal documents that U.S. citizens do under the Freedom of Information Act (FOIA). Furthermore, in its current form, the GRANT Act does not specify how federal agencies will enforce intellectual property protections. We believe that there are ways to increase the transparency of federal grant programs without compromising
intellectual property, for example by requiring grant abstracts to be posted online in lieu of full proposals.

A second disconcerting provision in the GRANT Act would compromise the anonymity of peer reviewers. Anonymity of peer review is the foundation of the modern scientific method. The prospect of negative career repercussions due to the public release of the identity of peer reviewers and panelists would undermine the entire peer review process, hinder the ability of scientists to evaluate the credibility of research findings, and increase the likelihood that limited research budgets at federal agencies would be poorly spent. Proper peer review is critical for fiscal responsibility and anonymity is foundational to the review process. While we appreciate that during the House Oversight and Government Reform Committee markup of the GRANT Act efforts were made to preserve the anonymity of peer review, we feel that the bill in its current form still poses an unacceptable threat to the peer review system.

Increased accountability and transparency are valuable goals which can be achieved without sacrificing intellectual property rights and the peer review process. We urge you to work with the sponsors of the GRANT Act to remove or amend these damaging provisions before further consideration of this bill by the House of Representatives.

Thank you for your consideration.

Sincerely,

RUSH HOLT
Member of Congress

DAVID PRICE
Member of Congress
6-GRANT Act Letter to House Leadership

Capuano        Rep. Mike Honda         Rep. Mike Quigley

cc: The Honorable Eric Cantor, Majority Leader, U.S. House of Representatives
The Honorable Kevin McCarthy, Majority Whip, U.S. House of Representatives
The Honorable Steny Hoyer, Minority Whip, U.S. House of Representatives
The Honorable Darrell Issa, Chairman, House Committee on Oversight and Government Reform
The Honorable Elijah Cummings, Ranking Member, House Committee on Oversight and Government Reform