



## ASSOCIATION OF AMERICAN UNIVERSITIES

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April 4, 2005

Linda L. Conte  
Office of the General Counsel  
Ethics Division  
Department of Health and Human Services  
Room 700-E, Hubert H. Humphrey Building  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Ms. Conte:

I write to you on behalf of the Association of American Universities (AAU) to comment on the Supplemental Standards of Ethical Conduct and Financial Disclosure Requirements for Employees of the Department of Health and Human Services (5 CFR parts 5501 and 5502, *Federal Register*, February 3, 2005, p. 5543). AAU is composed of 60 of the leading U.S. and two Canadian research universities; its U.S. members perform 60 percent of federally funded university research and grant nearly half of all Ph.D. degrees awarded nationally.

AAU supports the effort of the Department of Health and Human Services (HHS) and the National Institutes of Health (NIH) to address activities by some NIH employees that have threatened NIH's reputation as "the jewel in the crown" of biomedical research and the federal government. NIH is the most prestigious biomedical research agency in the world, and the scientific and patient communities and the American public must have complete confidence in the operations of NIH—in both its intramural scientists' conduct and its grant-making programs that provide funding to the extramural biomedical research enterprise.

As an association of research universities, AAU does not have standing to comment on HHS regulation of its civil service employees. However, we do believe that the new and significantly tighter financial disclosure requirements should be considered carefully. In developing such standards, NIH should evaluate their prospective impact on the agency's ability to recruit and retain the best scientific talent. Recent responses to the newly implemented reporting and divestiture requirements suggest that they are harming NIH's capacity to attract and retain such highly-qualified individuals. NIH should implement standards that allow it to maintain public confidence in its operations, but it should avoid standards that exceed requirements for public accountability and impair its ability to attract the exceptional talent that the agency needs for its critical mission.

AAU also notes that HHS would allow NIH employees, with prior approval, to teach at a university, participate in continuing medical education, and edit scientific journals or textbooks. This section of the new regulations, while it may benefit from some modifications, recognizes that a critical element of the scientific process is free and open exchange among scientists in a variety of academic and research settings. We applaud NIH for allowing these types of activities and strongly encourage development of an approval process that does not hinder or delay such scientific exchange.

Thank you for allowing us to comment.

Sincerely,

Nils Hasselmo  
President, Association of American Universities

NH/FPW/kb