



American Society for Nutrition
Excellence in Nutrition Research and Practice

January 17, 2012

The Honorable John Boehner
Speaker of the House
H-232, US Capitol
Washington DC, 20515

The Honorable Nancy Pelosi
House Democratic Leader
H-204, US Capitol
Washington DC, 20515

Dear Speaker Boehner and Leader Pelosi,

On behalf of the over 4,400 nutrition researchers represented by the American Society for Nutrition (ASN), we write to express our concerns about detrimental transparency measures found in H.R. 3433, the Grant Reform and New Transparency (GRANT) Act, before further consideration of the bill by the House of Representatives. Founded in 1928, ASN is a nonprofit scientific society with members in academia, practice, government and industry. ASN is dedicated to bringing together the world's top nutrition research scientists to advance our knowledge and application of nutrition.

Of note is Section 7404 part (d) of the GRANT Act which would require the Office of Management and Budget (OMB) to post online full research grant information within 15 days of an agency's notification of a grant award. This information would include a copy of the final grant agreement, including terms, conditions, and time period; a copy of the submitted proposal, application, or plan; award decision documentation, rankings, and justification, such as the number of proposals received and the numerical ranking of the awarded grant proposal (if rankings were assigned); and the name, title, and employer of all individuals who served as a peer reviewer or other type of reviewer for the grant program during the 6 months prior to the grant award. Section 7404 part (e) also requires that the final report or other final written product or other related data or results of the grant agreement will be posted online within 60 days of the completion of the grant.


ASN has two grave concerns regarding language in Section 7404 of the GRANT Act:

1. Public disclosure of peer and other reviewers is likely to undermine the peer-review process. Open peer review will limit the constructive criticism reviewers provide for fear of repercussion from applicants or others and result in lesser quality funded research. The single- or double-blind peer review method promotes more objectivity in comments leading to the best science possible. Open peer review will likely be a disincentive for some scientists to serve as reviewers. Although the House Committee on Oversight and Government Reform amended H.R. 3433 with language permitting federal agencies to disclose a "unique identifier" for peer reviewers rather than their names, it is unclear what constitutes a unique identifier, how federal agencies would implement this section of the bill if it became law, and if unique identifiers would remain anonymous.

2. Transparency measures as currently included in the GRANT Act will likely have significant adverse effects on scientific research, innovation, and the U.S.' competitiveness and economic growth. Publicly posting the ideas and information found in grant proposals and the final report, data, and results of certain grant agreements challenges the intellectual property rights of researchers and weakens U.S. competitiveness in scientific research fields. Grant proposals and final reports frequently contain proprietary information and public disclosure of this information will limit innovation by scientific researchers and harm U.S. competitiveness and the economy.

Thank you for your attention to this important research issue. ASN believes that improved accountability and transparency in the Federal grants process can be achieved without limiting the intellectual property rights of researchers and harming the quality of science produced. Please contact Sarah Ohlhorst, M.S., R.D., Director of Government Relations, if ASN may provide further assistance. She can be reached at 301.634.7281 or sohlhorst@nutrition.org.

Sincerely,


Sharon M. Donovan, Ph.D., R.D.
President, American Society for Nutrition