



# Coalition for National Science Funding

February 15, 2012

Dear Representative:

We write in opposition to the Grant Reform and New Transparency (GRANT) Act of 2011 (H.R. 3433) because as written this bill could have unintended adverse effects on the continued development of the scientific and engineering research enterprise and compromise the U.S. innovation system.

We are concerned about the provision in the GRANT Act that would require the posting of a complete copy of a funded grant proposal to a new government-wide website. Granting agencies, such as the National Science Foundation (NSF), receive proposals in confidence and protect the often proprietary nature of their contents. Reviewers are obligated to maintain the confidentiality of the proposal being reviewed and the review itself. Requiring a complete copy of a funded grant proposal to be available on a public website would seriously limit the ability of grant recipients to reap benefits from their own research. A proposal can contain intellectual property of the researcher and the institution that employs the researcher. The ideas and directions of research outlined are, in most cases, based on years of work. These ideas can also be the basis for other research performed by the proposer, including research that may not be funded by the federal government.

The recently passed America Invents Act (P.L. 112-29) has changed the patent process from a first-to-invent basis to a first inventor-to-file basis, which rewards the first person to file for a patent instead of the first person to think of the idea behind the patent. Posting grant applications will jeopardize researchers' patent opportunities thereby reducing incentives for technology transfer. Additionally, the public posting of U.S. researchers' ideas would enable competitors (including foreign scientists and industries) to steal cutting-edge American intellectual property – eroding our ability to stay at the forefront in critical scientific and engineering fields and of commercial production.

Instead of mandating the posting of funded grant proposals to a government website, we recommend that agencies require the posting of abstracts of funded proposals to the website. This would protect intellectual property while providing useful information about the research to taxpayers. In the case of a Freedom of Information Act (FOIA) request of a proposal, agencies should be required to contact the researcher and her/his institution to allow for appropriate

*Coalition for National Science Funding \* 1527 Eighteenth Street, NW Washington, DC 20036 \* 202-588-1100*

redacting of proprietary and other legitimately confidential information before making a copy of the funded grant proposal available. This practice has been employed by NSF and other agencies in the past.

We also oppose disclosure of peer reviewers, either by name or unique identifier. As written, the provision would allow identification of peer reviewers at the individual grant level in areas of research in which there are small numbers of scientists and engineers. An important characteristic of the current peer-review process is the anonymity of the reviewers. This process has helped to foster many seminal discoveries throughout all science, engineering, and mathematics disciplines and has contributed to the development of a significant cadre of first-rate researchers in all disciplines. The success of the peer-review process depends on the willingness of qualified reviewers to be candid and critical as needed in the evaluation of research proposals and, in fact, without the anonymity provided in the current process, many researchers would not be willing to review proposals.

Increased accountability and transparency are worthy goals, and we believe the federal science and engineering research grants process is currently very accountable and transparent, while also encouraging the best in our country to participate. H.R. 3433 would disrupt this balance and ultimately be detrimental to the U.S. science and engineering research enterprise. Thank you for considering our concerns.

Sincerely,

American Association for the Advancement of Science  
American Association of Anatomists  
American Association of Physics Teachers  
American Astronomical Society  
American Chemical Society  
American Educational Research Association  
American Geophysical Union  
American Geosciences Institute  
American Institute of Biological Sciences  
American Institute of Physics  
American Mathematical Society  
American Physiological Society  
American Society for Biochemistry and Molecular Biology  
American Society for Engineering Education  
American Society for Microbiology  
American Society for Nutrition  
American Society for Pharmacology & Experimental Therapeutics

American Society of Agronomy  
American Society of Plant Biologists  
American Sociological Association  
American Statistical Association  
ASME  
Association for Psychological Science  
Association for the Science of Limnology and Oceanography  
Association of American Geographers  
Association of American Medical Colleges  
Association of Environmental & Engineering Geologists  
Association of Population Centers  
Biophysical Society  
Columbia University  
Computing Research Association  
Consortium for Ocean Leadership  
Consortium of Social Science Associations  
Consortium of Universities for the Advancement of Hydrologic Science  
Cornell University  
Crop Science Society of America  
Ecological Society of America  
Federation of American Societies for Experimental Biology  
Federation of Associations in Behavioral and Brain Sciences  
Geological Society of America  
IEEE-USA  
Indiana University  
Kent State University  
Linguistics Society of America  
Materials Research Society  
Mathematical Association of America  
Medical College of Wisconsin  
Michigan State University  
National Association of Marine Laboratories  
National Ecological Observatory Network  
National Postdoctoral Association  
New York Medical College  
North Carolina State University  
Oregon State University  
Penn State University  
Population Association of America  
Rensselaer Polytechnic Institute

Society for Industrial and Applied Mathematics  
Society for Pediatric Research  
Soil Science Society of America  
SPIE, the International Society for Optics and Photonics  
State University of New York  
Stevens Institute of Technology  
The American Association of Immunologists  
The Ohio State University  
The Optical Society  
The Ornithological Council  
University of California System  
University of California, Berkeley  
University of California, Davis  
University of California, Irvine  
University of California, Los Angeles  
University of California, Merced  
University of California, Riverside  
University of California, San Diego  
University of California, San Francisco  
University of California, Santa Barbara  
University of California, Santa Cruz  
University of Delaware  
University of North Carolina at Chapel Hill  
University of Oregon  
University of Wisconsin-Madison  
Wayne State University  
Woods Hole Oceanographic Institution