



Coalition for National Science Funding

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 within three years of the awarding of the grant. 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-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.

An alternative to mandating the posting of all funded grant proposals might be to adopt an approach for agencies that is currently employed by the NSF. Upon request, and after appropriate redacting of proprietary and other legitimately confidential information, NSF does make available copies of funded grant proposals to those making the request. Perhaps a version of this process could be investigated as an alternative to the current provision in HR 3433.

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,