



November 10, 2021

Dr. Eric Lander
Director, Office of Science and Technology Policy, White House
Email: researchsecurity@ostp.eop.gov

Re: Input on NSPM-33 implementation, Clear Rules for Research Security and Researcher Responsibility

Dear Dr. Lander,

Thank you for your post on August 10, 2021 regarding the Clear Rules for Research Security and Researcher Responsibility.

<https://www.whitehouse.gov/ostp/news-updates/2021/08/10/clear-rules-for-research-security-and-researcher-responsibility/>

As you indicated, the current roles and policies regarding the disclosures forms from various federal agencies are unclear and confusing. In fact, some of the policies conflict with others at the same agency, or across multiple agencies. Some of the policies can also be interpreted in different ways from agency to agency, from university to university, from college to college, from department to department, from faculty to faculty.

We appreciate the request to provide input from the scientific community on this very important topic. We especially thank you for this effort because this type of opportunity was not provided by most federal agencies when their guidance on disclosure was formulated.

The attached spreadsheet was crowdsourced by scientists from over 50 universities who have been affected by the NIH disclosure guidance. We have grouped these comments by guidance document, so that you can see how NIH guidance has evolved to become increasingly vague and in some places, self-contradictory. We conclude:

(1) NIH needs to be transparent and consistent about changes to reporting requirements, which have caused a huge amount of confusion in the scientific community. This is especially true as NIH has shown willingness to prosecute researchers for minor mistakes in disclosure statements.

(2) NIH needs to seek input from universities when they issue new guidance. Just as government agencies announce a "comment period" to seek input from the public where regulatory policy (for instance), is being considered, NIH and other granting agencies should consult with stakeholders.

(3) NIH needs to separate its functions from those of the FBI. If there is espionage or intellectual property theft, the FBI should be involved. However, FBI should not be called in to investigate administrative errors, especially when guidance is so vague and different interpretations exist.

(4) Reporting on in-kind resources (reagents, equipment, etc.) needs to be reconsidered since it is not clear what should or should not be included. NIH requires all labs to share reagents, models, cells and animals with other labs if they are generated using NIH funds. Collaboration using other lab equipment or model systems occurs on a weekly basis in every lab. Furthermore, the scientific community also routinely shares reagents and other material with different labs for collaborations. It is impossible to track and report all of these in-kind resources. The in-kind resource reporting requirement contradicts with common scientific research practice.

(5) In-kind financial support needs to be specifically defined in terms of what should or should not be reported, with more clarity about whether personnel in peripheral roles also need to report the support they receive.

(6) While all of a PI or CO-I's institutional appointments need to be reported to NIH, the NIH must also acknowledge the ubiquity of researchers with multiple appointments. Faculty and researchers are more and more likely to have several 3-9 month appointments in both US and foreign institutions. As long as the effort they report for an NIH grant is consistent with their effort at the institution(s) that administers the grant, and they are not in violation of their institution's conflict of interest/conflict of commitment policies, they should not be penalized or prevented from taking part in NIH funded research.

(7) Other grants of the PI and Co-I should be reported to NIH and overlap should also be reported. However, if these grants (regardless from which institutions) have no overlap with NIH grants and if PI's effort is within their percentage of effort (with total effort less than 100% effort), the PI should not be penalized as NIH currently does.

We hope these comments are helpful for your office to develop consistent, transparent, and balanced guidance for disclosure requirements that will govern all federal agencies that award grants for research.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann Chih Lin". The signature is fluid and cursive, with a horizontal line extending from the end.

Dr. Ann Chih Lin

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