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National Commission for the Protection of Human  
Subjects of Biomedical and Behavioral Research  
Westwood Building, Room 125  
5333 Westbard Avenue  
Bethesda, Maryland 20014

Gentlemen:

I would like to make two points relative to the Freedom of Information Act and its possible impact in the area of research grant proposals. I would like to speak both as an investigator who holds NIH grants and as a former member of a study section who considered the grant proposals. As a research investigator, I would find it most objectionable to have my research ideas available for anyone to utilize for his own purposes. In particular, drug companies can, and I suspect will, use this opportunity to study research grant proposals for possible leads to proprietary material. Thus, while the grant application is being considered the drug company with its large amount of flexible personnel can proceed and make maximum use of a research idea long before the originator of the research idea even has a chance, assuming he is funded. Since only about 15% of all grants are funded, some 85% of the grant proposals will be available for anyone to observe and the investigator who originated the ideas will not even get funds to carry them out. I believe this is a gross violation of the rights of the individual who has submitted the proposals to the National Institutes of Health. This will result in very cautious grant submissions by research personnel and it will adversely affect the quality of the research grant proposals. I personally will be very guarded in the kind of research proposal I would submit under these circumstances. This will, therefore, greatly limit the ability of the peer review group to judge the quality of research which will be carried out in the laboratories eventually funded. I urge you in the interest of the best health related research and the quickest answers to our disease problems to resist disclosure of research grant proposals to anyone who asks for them.

I would also like to respond with regard to the impact this will have on the peer review system. If the peer review system is made an open town hall meeting, the quality of review must diminish to very low levels. I personally

National Commission for the Protection of Human  
Subjects of Biomedical and Behavioral Research

Page 2

January 6, 1977

would find it very difficult to review grants of colleagues who are sitting within ear-shot of the deliberations. Even the strongest of individuals would more than temper his/her remarks in such a setting. In fact, I do not believe it possible to present an objective review of a research grant proposal under these circumstances. I personally would refuse to serve in a peer review system which would function in that manner. I believe that most research investigators would share this view with me. I have heard the criticism that the closed review system is used as a means to discriminate against women and other minority groups. I believe it important that the Commission solicit the opinion of women and minorities who have served on these review committees. Never have I seen any evidence of any prejudice or bias toward an individual based on anything but research ability and quality of the research grant. The peer review system by the National Institutes of Health, in my view, ranks as one of the very best means of evaluating research grant proposals. I sincerely hope that this effectively working system will not be jeopardized by the Freedom of Information Act.

Sincerely yours,



H. F. DeLuca  
Professor and Chairman  
Department of Biochemistry

HFD/bk