



"Smith, Toby" <toby_smith@aau.edu>
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To: OMB_peer_review@omb.eop.gov
cc: "Smith, Toby" <toby_smith@aau.edu>
Subject: OMB Peer Review letter_FINAL

Attached please find Comments from the American Association of Universities to the Revised OMB Bullitin on Peer Review.

Toby Smith
Senior Federal Relations Officer
Association of American Universities



OMB Peer Review
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ASSOCIATION OF AMERICAN UNIVERSITIES

May 28, 2004

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Dr. Margo Schwab
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street, NW
New Executive Office Building, Room 10201
Washington, DC 20503

Re: Revised Information Quality Bulletin on Peer Review

Dear Dr. Schwab:

The Association of American Universities (AAU) appreciates this opportunity to offer comments on the Revised Information Quality Bulletin on Peer Review, released by the Office of Management and Budget (OMB) on April 15. The AAU submitted comments in December 2003 on the Proposed Bulletin as it was originally released.

In our previous comments, we raised a number of concerns with respect to the criteria that an individual must meet in order to be chosen as a peer reviewer. We appreciate the OMB's efforts to address these concerns in the revised bulletin.

In our comments, we argued that the proposed definition of independence would have disqualified a researcher from being chosen as a peer reviewer for an agency based merely on the fact that he or she may have received funding from the agency in question. Such a broad definition of "independence" could prevent the most qualified scientists, the very group of individuals who would have the most expertise to offer, from serving as peer reviewers. We are grateful that the OMB has clarified that an individual who has received funding from an agency through a competitive process would not be categorically prevented from serving in peer review efforts.

We were also concerned that the criteria with respect to potential conflicts of interest were overly broad. In the revised bulletin, the OMB acknowledges that the scientific community already has a widely accepted standard for determining conflicts of interest, namely that of the National Academy of Sciences (NAS). The higher education community believes that the NAS standard effectively addresses conflicts of interest, and we are appreciative of its endorsement by the OMB.

Furthermore, we believe that the revised bulletin is correct to afford agencies discretion to determine their own methodologies and processes for peer review. Each agency has its own practices and we believe that they work well.

Having noted these significant improvements in the OMB proposal, however, we continue to question the need for it. We strongly support scientific peer review and its applicability to the process by which federal agencies develop and disseminate scientific information. We also believe that current agency policies which guide peer review at the NIH, NSF and other federal research funding agencies are strong and effective. We therefore question the need for additional OMB rules and oversight of agency peer review and are not convinced that these new rules will enhance the quality of information disseminated by government agencies. In fact, we believe that the bulletin could be implemented in a manner that could cause great harm to current agency peer review policies and procedures.

With this remaining concern in mind, we respectfully request that, if the OMB does elect to proceed with the proposed policy, a clear and transparent process be developed for ensuring that OMB provide justification to the public and to the Congress in any instance where a determination is made that an agency's peer review process is inadequate or that a waiver to the agency's peer review policies should be granted. We believe that an appropriate mechanism for the OMB to provide such justification would be for the OMB to: 1) post the rationale for such decisions on the OMB website upon making such a determination; and 2) produce and make publicly available an annual report on the implementation of this bulletin, perhaps as a supplement to that which is already required under the Federal Data Quality Act.

In closing, we would again like to express our appreciation for the significant steps that the OMB has taken to address concerns raised in our previous comment letter. And, on behalf of our nation's research universities, we hope that you will take seriously our request that the OMB re-evaluate the need for the proposed peer review policy and, if it is to be implemented, that it provide clear justification for and make public information concerning actions taken to implement this bulletin.

Cordially,



Nils Hasselmo
President
Association of American Universities

