
Federation of American Societies for Experimental Biology

Office of Public Affairs • 9650 Rockville Pike, Bethesda, Md. 20814-3998 • <http://www.faseb.org/opa>

Contact: Carrie D. Wolinetz, PhD
(301) 634-7650
cwolinetz@faseb.org

FASEB CALLS NIH CONFLICT OF INTEREST RULE “OVERLY RESTRICTIVE”

The Federation of American Societies for Experimental Biology (FASEB) today issued comments on the conflict of interest regulation at the National Institutes of Health (NIH), emphasizing that “maintaining public trust in medical research is absolutely critical.” While FASEB “support[s] effort to preserve the integrity of science,” the letter to the Office of General Counsel at the Department of Health and Human Services (HHS) expresses FASEB’s concern that “much of the interim final rule is overly restrictive.” FASEB President Paul W. Kincade states, “The provisions limit, without corresponding gain in protection from conflicts of interest, the ability of NIH scientists to engage in critically important teaching and scholarly activity.”

Areas in which FASEB feels that “the provisions specific to NIH... go inappropriately beyond those necessary to protect integrity” and in which modifications could be made to better “construct appropriate, targeted barriers... while permitting appropriate outside involvement” include:

- **Applicability:** “Regulations... should be tailored” according to whether the employee is a senior scientist versus a visiting research, research assistant, technician or other position that does not “have the same capacity for influence that permanent senior scientists may have,” therefore FASEB recommends modification that would “allow flexibility” for “the variety of employees that serve NIH, based on the nature of their responsibilities and risks [for conflict of interest] associated with their roles.”
- **Prohibited outside activities:** “Service to scientific professional societies... is not equivalent to consulting for companies... FASEB does not agree that these activities pose conflict of interest problems... FASEB strongly recommends that scientific professional societies be excluded from the prohibition on outside activities.”
- **Approval for outside activities:** Expressing concern about the “burdensome” process of approval for “legitimate and beneficial activities that are clearly permitted,” FASEB urges “consideration of alternative request formats for... writing and editing for peer-reviewed journal, teaching and other activities for professional and academic societies.”
- **Awards:** Citing problems FASEB societies have already experienced in offering awards to NIH employees, the FASEB letter “requests that specific criteria used to approve awards be made available” and that [e]xclusion of any award” should be based on conflict of interest criterion rather than the source of the award.

FASEB favors the extended deadline for divesting prohibited holdings, further recommending “that this time should be used to thoroughly study this issue.” Similarly, Kincade criticizes the “implementation if the rule without due process” and recommends that “NIH move forward with a plan for an independent evaluation of hiring and retention” resulting from the new policy. “Broad and over-reaching prohibitions would mean that NIH employees would fail to remain competitive with their peers... and could drive very talented people out of government service... [which] will have a significant negative impact on the progress of biomedical research as a whole.” FASEB warns. The FASEB letter may be found at: <http://opa.faseb.org/pdf/FASEBinterim3.29.05.pdf>

FASEB is comprised of 22 societies with more than 65,000 members, making it the largest coalition of biomedical research associations in the United States. FASEB’s mission is to enhance the ability of biomedical and life scientists to improve—through their research—the health, well-being and productivity of all people. FASEB serves the interests of these scientists in those areas related to public policy, facilitates coalition activities among Member Societies and disseminates information on biological research through scientific conferences and publications.