



Highlights of [GAO-07-319](#), a report to congressional requesters

Why GAO Did This Study

To safeguard the integrity of National Institutes of Health (NIH) research, government employees who have significant decision-making responsibilities and peer reviewers who evaluate the scientific and technical merit of research funding requests should be free from conflicts of interest. One method to resolve a conflict of interest is recusal, which is accomplished by not participating in work that will affect a personal interest or involves a personal relationship. GAO reported on (1) how NIH informs senior employees about recusal and what the requirements are for them to notify supervisors, and (2) how NIH informs peer reviewers about recusal and how NIH monitors their compliance with recusals. GAO reviewed relevant NIH policy manual chapters and NIH guidance and interviewed NIH officials. GAO selected NIH's National Cancer Institute and National Institute of Allergy and Infectious Diseases for the review because they have the largest budgets at NIH.

What GAO Recommends

GAO recommends that NIH expeditiously clarify its policies with regard to written recusals and supervisor notification related to senior employees' use of recusal to resolve conflicts of interest. HHS, on behalf of NIH, concurred with GAO's recommendation and plans to revise and reissue relevant portions of its policy manual within 6 months.

www.gao.gov/cgi-bin/getrpt?GAO-07-319.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Cynthia A. Bascetta at (202) 512-7101 or bascettac@gao.gov.

NIH CONFLICT OF INTEREST

Recusal Policies for Senior Employees Need Clarification

What GAO Found

NIH has provided several methods to inform senior employees about recusal as a remedy to conflicts of interest, such as annual ethics training. However, NIH has not established clear recusal policies for senior employees, as the NIH policy manual is contradictory on whether senior employees must recuse in writing and notify their supervisors of their recusals. For example, the policy manual contains contradictory directions on how employees seeking nongovernment employment are to recuse. One section states that the employee "must" put the recusal in writing and that his or her supervisor "should" be notified, while another section states that the recusal "may" be done in writing and that the supervisor "must" be notified if the recusal is not written. Moreover, the two definitions of recusal in the policy manual imply that the employee must put a recusal into writing but do not explicitly require such action, and neither definition requires that the employee's supervisor be notified of the recusal. Senior employees who consult the policy manual may or may not put their recusals in writing and may or may not notify their supervisors, depending on what section of the policy manual they consult.

NIH provides written and oral methods for informing peer reviewers about recusal and for monitoring compliance with recusals. In the NIH policy manual and guidance, NIH states that peer reviewers must be informed about NIH conflict of interest regulations and policies, which include information pertaining to recusal. The policy manual refers to a form that describes situations that may constitute conflicts of interest and the need to recuse in those situations. The Scientific Review Administrators (SRAs)—NIH employees who manage the scientific review group (SRG), or peer review meeting—are also instructed to give oral guidance on the NIH conflict of interest policy to peer reviewers, according to NIH guidance. The NIH policy manual states that the SRA is responsible for overseeing the SRG meeting to ensure fair and unbiased evaluations of research funding requests, and that peer reviewers must certify in writing after the meeting that they have executed their recusals.

GAO concludes that, although the NIH policy manual and guidance describe how peer reviewers are to be informed about and comply with recusals, the lack of clear recusal policies for senior employees results in a vulnerability in the management of one part of NIH's conflict of interest policies.