



**ADVISORY OPINION 26-02 ON AUTHORSHIP, ATTRIBUTION, AND THIRD-PARTY
CONTRIBUTIONS TO SCIENTIFIC PUBLICATIONS**

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This Advisory Opinion addresses the role of third parties in academic and scientific publications arising from research conducted or supported by the Department of Health and Human Services (HHS) and the circumstances in which their contributions should be disclosed.

HHS and the National Institutes of Health (NIH) conduct scientific research within the Federal Government and provide substantial federal support for research conducted by outside institutions and investigators. HHS and NIH therefore have a strong interest in ensuring that intramural and extramural research is communicated in a manner that promotes transparency and preserves the integrity of the scientific record. This Advisory Opinion clarifies the application of federal regulations to undisclosed authorship and identifies existing authorship and scientific integrity standards relevant to the disclosure of material contributions.

Accurate disclosure of those who materially contribute to scientific work helps identify responsibility for the work, assess potential conflicts of interest, and preserve confidence in the independence and reliability of the resulting scientific record.

Background

The Proximal Origin of SARS-CoV-2, published in *Nature Medicine* in March 2020, became one of the earliest and most consequential scientific assessments of the origins of SARS-CoV-2. The paper named Kristian Andersen, Andrew Rambaut, Ian Lipkin, Edward Holmes, and Robert Garry as its authors and concluded that the available evidence did not support SARS-CoV-2 being a laboratory creation or purposefully manipulated virus. Although published as a correspondence rather than a peer-reviewed research article, *Proximal Origin* was widely cited in public discussions of COVID-19's origins and became an important basis for dismissing the possibility that the virus had been engineered. Subsequently released correspondence, however, provides a more complete picture of how the paper developed, including substantive involvement by individuals outside the named author group.

Contemporaneous correspondence shows that Jeremy Farrar, Anthony Fauci, and Francis Collins were involved in the discussions surrounding the paper before its publication. Farrar convened the February 1, 2020, origins conference call involving Fauci, Collins, and several eventual authors, and remained involved as the analysis developed. Fauci and Collins received and discussed early drafts and the scientific questions under consideration, while Farrar helped coordinate the drafting and circulation process and made at least one direct edit to the manuscript. Despite this involvement, none of the three were identified as an author or acknowledged contributor in the published paper.

Analysis

Transparency in authorship is an important part of scientific integrity because it identifies those who materially contributed to published work and allows readers to assess responsibility and potential conflicts of interest. The circumstances surrounding *Proximal Origin* illustrate why that transparency matters: undisclosed participation in the development of a scientific publication can leave the published record incomplete and raise questions about who influenced the work and its conclusions.¹

Existing federal research misconduct regulations do not address every authorship concern. Under 42 C.F.R. Part 93, research misconduct is limited to “fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results,”² and the regulation’s definition of plagiarism expressly excludes authorship and credit disputes.³ Ghost authorship is not separately addressed.

Part 93’s silence on ghost authorship, however, should not be read to resolve whether the practice is consistent with accepted standards of scientific integrity. Part 93 also expressly preserves an institution’s authority to address conduct that falls outside the federal definition of research misconduct.⁴ The regulation therefore establishes the scope of federal research misconduct without foreclosing the application of other authorship and scientific integrity standards to conduct outside that definition.

Authorship and attribution standards therefore serve an important role in protecting the integrity of the scientific record. NIH’s Intramural Research Program generally follows the ICMJE recommendations and maintains its own standards governing authorship and acknowledgment. These standards recognize that an individual may make a material contribution that does not

¹ For example, during an April 17, 2020 White House Press event, Dr. Fauci was asked whether he had studied the sequence of SARS-CoV-2 and whether there was a possibility that the virus was manmade. In response, Dr. Fauci responded: “There was a study recently that we can make available to you, where a group of highly qualified evolutionary virologists looked at the sequences there and the sequences in bats as they evolve. And the mutations that it took to get to the point where it is now is totally consistent with a jump of a species from an animal to a human. So, I mean, the paper will be available — I don’t have the authors right now, but we can make that available to you.” This “study” was later determined to be *The Proximal Origin of SARS-CoV-2*, of whom Dr. Fauci was aware of the authors and had, in fact, collaborated and advised in the final hypothesis. At the time, the general public was unaware of these facts. *Available at* <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-briefing-april-17-2020/>

² See 42 C.F.R. § 93.234. Part 93 defines fabrication as “making up data or results and recording or reporting them”; falsification as “manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record;” and plagiarism as “appropriat[ing] another person’s ideas, processes, results, or words, without giving appropriate credit.” 42 C.F.R. §§ 93.211, 93.212, 93.227.

³ 42 C.F.R. § 93.227(b).

⁴ See 42 C.F.R. § 93.102(e).

warrant formal authorship but should nevertheless be disclosed through acknowledgment or other appropriate attribution.

For intramural research, NIH researchers should comply with applicable NIH authorship requirements. Institutions and investigators receiving federal research support should comply with applicable HHS and NIH requirements and are encouraged to maintain authorship and attribution policies and practices consistent with NIH guidance and other recognized standards. Those policies should promote the identification and appropriate disclosure of material contributions before publication.

Conclusion

The integrity of the scientific record depends on transparency regarding those who materially contribute to published research. As the circumstances surrounding *Proximal Origin* demonstrate, an authorship issue may fall outside the current definition of research misconduct while still raising questions under applicable authorship and scientific integrity standards.

The HHS Office of General Counsel recommends that material contributions to HHS- and NIH-conducted or -supported research publications be disclosed through authorship, acknowledgment, or other appropriate attribution. HHS expects compliance with applicable requirements and encourages institutions receiving federal research support to adopt and enforce attribution practices consistent with NIH guidance and other recognized standards.

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