

RE: Please oppose the Federal Research Public Access Act, H.R. 4004

March 5, 2012

The Honorable Darrell Issa
Chair
Committee on Oversight and
Government Reform
2157 Rayburn House Office Building
Washington, DC 20515

The Honorable Elijah Cummings
Ranking Member
Committee on Oversight and
Government Reform
2471 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Issa and Ranking Member Cummings:

On behalf of the Professional and Scholarly Publishing Division of the Association of American Publishers and the DC Principles Coalition, we are writing to express our strong opposition to the Federal Research Public Access Act, H.R. 4004, a bill which would require the final manuscripts of peer-reviewed, private-sector journal articles authored by federally-funded researchers to be made freely available to the world through federal agency websites no later than six months after their publication in journals.

This unnecessary legislation would put federal agencies in direct competition with non-profit and commercial publishers' efforts to produce and disseminate validated and digitally-enhanced journal articles that explain the nature and results of federally-funded research. It would also undermine the journal publishers' exercise of their copyrights in such materials and adversely impact the peer review system that ensures the high quality and reliability of scientific and other scholarly research in the United States. In addition, it would impose costly new mandates on federal agencies, requiring them to divert critical research funding to create and manage new databases, archives and infrastructure that will be largely duplicative of those already existing in the private sector.

The diverse U.S. journal publishing community represented by the signatures below is devoted to ensuring wide dissemination of the results of all peer-reviewed research, including research supported by federal funding; in fact, journal publishers have invested millions of dollars in technologies and innovations that enable high-quality digital peer review, production, distributions, interoperability and discovery of the latest scientific and scholarly works, and have been collaborating with federal agencies and other stakeholders to improve access to such works by all who need it. But the proposed legislation simply ignores new publisher business models that can provide immediate access to articles for patients, journalists or through public libraries, at little or no cost, and embodies a "one-size-fits-all" mandate for public access that would discourage future publisher collaboration with federal agencies.

In considering how to promote public access to the results of federally-funded research, Congress has *already* concluded that the best approach is to encourage and develop collaborative efforts among all stakeholder communities.

Consistent with recommendations of a group of academics, librarians and publishers that comprised the "Scholarly Publishing Roundtable" convened by the House Science Committee in 2009, Congress enacted Section 103 of the America COMPETES Reauthorization Act of 2010 (P.L. 111-358) to direct the President's Office of Science and Technology Policy (OSTP) to coordinate a Cabinet-level process through a working group of the National Science and Technology Council to develop public access policies for research funded by federal agencies with extramural research budgets of over \$100 million.

OSTP has initiated this process with a Request for Information that has produced more than 375 public comments, which the working group is currently reviewing. Among its responsibilities, the working group has been instructed by Congress to recognize the "inherent variability" among federal agencies and scientific disciplines in the nature of research, types of data and dissemination models, and "the role that scientific publishers play in the peer review process in ensuring the integrity of the record of scientific research, including the investments and added value that they make." We strongly support these efforts and believe that H.R. 4004 constitutes a contradictory and unacceptable approach that should not substitute for the process that Congress has already designated for coordinating the development of federal science agency policies concerning public access to the results of federally-funded research.

By mandating the online posting of the final peer-reviewed manuscripts of journal articles by all major research-funding federal agencies, H.R. 4004 would undermine the economic viability of independent U.S. journal publishers through direct government competition. It would also compel American taxpayers to subsidize the acquisition of important research information by foreign governments and corporations that compete in global markets with the public and private scientific enterprises conducted in the United States.

Journal publishers support reasonable efforts by the Federal Government to make the results of publicly-funded research widely available, and they are ready to continue collaborating with federal agencies to achieve that objective; however, H.R. 4004 takes the wrong approach. We are available to meet with you or your staff, or anyone working on this issue in the federal government, to continue exploring the best way to achieve the public good. H.R. 4004 would take us in the opposite direction, risking significant collateral damage to U.S. research and competitiveness.

Sincerely,



Allan Adler

Vice President, Government & Legal Affairs
Association of American Publishers
455 Massachusetts Avenue, NW, Suite 700
Washington, DC 20001-2777
Tel: (202) 220-4544
Fax: (202) 347-3690
Email: adler@publishers.org
www.publishers.org



Martin Frank, Ph.D.

Coordinator, DC Principles Coalition
Executive Director, American
Physiological Society
9650 Rockville Pike
Bethesda, MD 20814-3991
Tel: (301) 634-7118
Fax: (301) 634-7241
Email: mfrank@the-aps.org
www.dcpinciples.org

cc: Members of the House Committee on Oversight and Government Reform

The Undersigned:

- AACC International
- Acoustical Society of America
- American Association for Cancer Research
- American Association for Clinical Chemistry
- American Association of Anatomists
- American Association of Immunologists
- American Association of Physicists in Medicine
- American Association of Physics Teachers
- American Astronomical Society
- The American Ceramic Society
- American Chemical Society
- American College of Chest Physicians
- American College of Physicians
- American Dental Association
- American Fisheries Society
- American Geophysical Union
- American Institute of Aeronautics and Astronautics
- American Institute of Biological Sciences
- American Institute of Chemical Engineers (AIChE)
- American Institute of Physics Publishing
- American Mathematical Society
- American Meteorological Society
- American Physiological Society
- American Phytopathological Society
- American Psychiatric Publishing
- American Psychological Association
- American Public Health Association
- American Roentgen Ray Society
- American Society for Investigative Pathology
- American Society for Nutrition
- American Society of Agricultural and Biological Engineers
- American Society of Agronomy
- American Society of Animal Science
- American Society of Clinical Oncology
- American Society of Hematology
- American Society of Plant Biologists
- APMI International
- ARVO – Association for Research in Vision and Ophthalmology
- ASQ – American Society for Quality
- Association of Learned and Professional Society Publishers (ALPSP)
- AVS: Science and Technology of Materials, Interfaces, and Processing
- Biophysical Society
- Cambridge University Press
- Crop Science Society of America
- Ecological Society of America
- Elsevier
- The Endocrine Society
- Entomological Society of America
- F.A. Davis Company
- GeoScienceWorld
- Gival Press LLC
- The Histochemical Society
- Human Factors and Ergonomics Society
- IEEE
- Institute of Food Technologists
- International and American Associations for Dental Research
- International Association for the Study of Pain
- John Wiley & Sons
- Lynne Rienner Publishers, Inc.
- The McGraw-Hill Companies
- Mycological Society of America
- National Ground Water Association
- The Optical Society
- The Ornithological Council
- The Physiological Society
- Poultry Science Association
- The Professional Animal Scientist
- The Radiological Society of North America (RSNA)
- SAE International
- Seismological Society of America
- SEPM Society for Sedimentary Geology
- Silverchair Science+Communications, Inc.
- Society for Experimental Biology and Medicine
- Society for the Study of Reproduction
- Society of Economic Geologists, Inc.
- Soil Science Society of America
- Springer Publishing Company
- Taylor & Francis
- Thieme Publishers
- University of the Basque Country Press
- Wolters Kluwer