

April 24, 2013

Office of Assemblymember Brian Nestande  
PO Box 942849  
Sacramento, CA 94249

To the Honorable Brian Nestande:

On behalf of these nine national and regional library, publishing, research and advocacy organizations, we write to thank you for introducing Assembly Bill (AB) 609, the Taxpayer Access to Publicly Funded Research Act. This bill will ensure that the manuscripts of peer-reviewed scientific articles reporting on research funded by the State of California can be freely accessed and fully used by all of California's taxpayers.

Timely, barrier-free access to the results of state funded research is an essential component of Californian's collective investment in science. The increased sharing and use of this information will help to advance the pace of discovery, as well as to speed the translation of this knowledge into innovative new services and products – fueling economic growth, and helping to create jobs.

The establishment of open digital repositories, containing state funded research, will create an unprecedented, valuable new resource for researchers – and all interested members of the public – to tap into.

We appreciate that AB 609 creates opportunities for unprecedented access to state funded research, while at the same time providing appropriate safeguards to protect the interests of those who contribute to the validity and quality of research results. The requirement for deposit of the author's final manuscript, rather than the final published article, for example, allows those publishers who wish to maintain a traditional subscription based

publication the opportunity to continue to market a product that contains value - added enhancements beyond what is available in the public repositories.

We encourage you to consider strengthening this legislation by including a provision to ensure that manuscripts reporting on state-funded research be made fully usable by the public. To fully unlock the value of the information contained in these digital articles, they should be made available in formats and under licensing terms that permit users to read, downloaded, search, compute on, data mine or analyze for any lawful purpose.

Additionally, while we would strongly prefer that these articles be made available to the public immediately upon publication, we would support the inclusion of an embargo period as originally proposed of no longer than six months.

We agree that policies for access to articles should standardize their compliance requirements as much as possible, and AB 609 meets this critical requirement by requiring funded researchers to deposit articles at the time of acceptance by a peer reviewed journal. This action point is critical for minimizing the compliance burden on funded researchers; an automated function can then be set by the host repository to ensure that the article is made public when the embargo period expires.

AB 609 reflects the growing worldwide trend of government and higher education institutions actively working to maximize access to and sharing of research results. Harvard University, the Massachusetts Institute of Technology, Stanford University, Oberlin College, and the University of Kansas are but a few of the growing number of campuses that are adopting policies to retain their institutional research outputs through the deposit of research manuscripts in a digital repository.

On the national level, AB 609 advances the progress made by the

public access policy of the National Institutes of Health (NIH), the first U.S. agency to require public access to taxpayer-funded research, and the recently announced White House Directive to apply NIH's public access policy to all applicable federal agencies. Since its implementation, the NIH policy has resulted in an average of 90,000 new biomedical manuscripts being made publicly available each year. Demand for this information is extremely high, with more than 700,000 unique users accessing material from this repository each weekday

The Taxpayer Access to Publicly Funded Research Act will help broaden access to important research that is now unavailable to the public at a time when the demand for wider access is reaching a critical high. As libraries, scientists, researchers and publishers, we firmly believe that this legislation will result in the acceleration of scientific progress, and lead to important benefits to the U.S. economy – including the creation of new jobs in a broad range of sectors that depend on access to scientific research to innovate.

We thank you again for your leadership in introducing the Taxpayer Access to Publicly Funded Research Act, and for your commitment to the success of crucial public access policies, and look forward to working with you to see that this important bill is passed into law.

Sincerely,

The logo for the Association of College and Research Libraries (ACRL). It features the letters "ACRL" in a stylized, italicized serif font. A thin, curved line arches over the letters, starting under the "A" and ending under the "L".

Association of College and Research Libraries

[www.acrl.org](http://www.acrl.org)

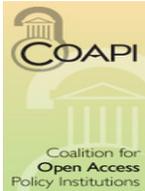
Contact: Kara Malenfant (312-280-2510)



Association of Research Libraries

[www.arl.org](http://www.arl.org)

Contact: Prudence Adler (202-296-2296)



Coalition of Open Access Policy Institutions (COAPI)

Coordinating Group – on behalf of the Coalition

[www.sparc.arl.org/about/COAPI/](http://www.sparc.arl.org/about/COAPI/)

Contact: Andrew Wesolek, Co-coordinator (435) 797-2650



Creative Commons

[www.creativecommons.org](http://www.creativecommons.org)

Contact: Tim Vollmer (650-294-4732)



Electronic Frontier Foundation

[www.eff.org](http://www.eff.org)

Contact: Corynne McSherry (415-436-9333)



Greater Western Library Alliance

[www.gwla.org](http://www.gwla.org)

Contact: Joni Blake (913-370-4422)



Public Knowledge

[www.publicknowledge.org](http://www.publicknowledge.org)

Contact: Gigi Sohn (202-518-0020)



Public Library of Science

[www.plos.org](http://www.plos.org)

Contact: Donna Okubo (415-624-1213)



SPARC (Scholarly Publishing & Academic Resources Coalition)

[www.arl.org/sparc](http://www.arl.org/sparc)

Contact: Heather Joseph (202-296-2296)