

May 21, 2014

Committee on Science, Space and Technology
U.S. House of Representatives
2318 Rayburn House Office Building
Washington, DC 20515

Dear Members of the House Committee on Science, Space and Technology --

We, the undersigned 13 national and regional library, publishing, funding and advocacy organizations, are writing to express our strong support for the amendment being offered by Mr. Sensenbrenner and Ms. Lofgren to Section 303 of the 'Frontiers in Innovation, Research, Science, and Technology Act of 2014' (FIRST Act).

Section 303 of the FIRST Act, as originally drafted, severely undercuts the ability of federal science agencies to implement policies that would ensure that the public receives timely, equitable access to, and full use of, articles and data reporting on the results of research that their tax dollars directly support. As expressed in previous correspondence, our most serious concerns about the original language in Section 303 include:

- 1) an initial 24 month embargo period;
- 2) possible extension of the embargo period by an additional year; and
- 3) an 18-month delay while agencies develop a plan for creating a policy.

This language is out of line with policies in use around the world, which typically call for a maximum embargo period of no more than six to 12 months, makes no provision for shortening embargo periods to help accelerate progress of scientific discovery, and is duplicative of the efforts undertaken in accordance with the White House Office of Science and Technology Policy Directive on Public Access to the Results of Federally Funded Research issued in February 2013.

The amendment being offered by Mr. Sensenbrenner and Ms. Lofgren would modify these provisions. Specifically, it:

- 1) creates an embargo period of no more than 12 months;
- 2) allows for modification of the embargo period by a maximum of six months if the stakeholders can prove 'substantial and unique harm'; and
- 3) requires agencies to submit a report to Congress in 90 days that details their public access policy and implementation of the policy within one year.

We believe this amendment will further advance the goal of allowing the public to realize the full potential of public access. True public access will mean the acceleration of scientific research and the generation of new ideas and innovations, which will spur economic growth and job creation. Additionally, this amendment will bring the FIRST Act closer in line with broadly accepted international standards and current practice in the United States. These goals are highly aligned with the vision and intent of the FIRST Act.

We appreciate your attention to this matter, and urge you to support this amendment to modify Section 303 of the FIRST Act.

Sincerely,

American Association of Law Libraries (AALL)

www.aallnet.org

Contact: Elizabeth Holland

Association of Southeastern Research Libraries (ASERL)

www.aserl.org

Contact: John Burger

Association of College and Research Libraries (ACRL)

www.acrl.org

Contact: Kara Malenfant

Association of Research Libraries (ARL)

www.arl.org

Contact: Prudence Adler

Coalition of Open Access Policy Institutions (COAPI)

www.sparc.arl.org/COAPI

Contact: Andrew Wesolek

Creative Commons

<https://creativecommons.org>

Contact: Tim Vollmer

Electronic Frontier Foundation (EFF)

<https://eff.org>

Contact: Adi Kamdar

Greater Western Library Alliance (GWLA)

www.gwla.org

Contact: Joni Blake

LUNGevity Foundation

www.lungevity.org

Contact: Andrea Ferris

The New York Stem Cell Foundation Research Institute

www.nyscf.org

Contact: Scott Lipnick

Parkinson's Disease Foundation

www.pdf.org

Contact: James Beck

Public Library of Science (PLOS)
www.plos.org
Contact: Cameron Neylon

Scholarly Publishing & Academic Resources Coalition (SPARC)
www.arl.org/sparc
Contact: Heather Joseph