



American Association of Law Libraries



American Library Association



Association of Academic Health Sciences Libraries



Association of College & Research Libraries



Association of Research Libraries



Creative Commons



Greater Western Library Alliance



Public Knowledge



Public Library of Science



SPARC

January 24, 2012

Committee on Oversight and Government Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20515

On behalf of these 10 national and regional library, publishing, and advocacy organizations, we are writing to express our strong opposition to H.R. 3699, The Research Works Act. This proposed legislation would unfairly and unnecessarily prohibit federal agencies from conditioning research grants to ensure that all members of the public receive timely, equitable, online access to articles that report the results of federally funded research that their tax dollars directly support.

Our government funds research with the expectation that new ideas and discoveries from this research will propel science, stimulate the economy, and improve the lives of all Americans. Public support for science is enhanced when the public can directly see the benefits from our investment in scientific research.

Unfortunately, H.R. 3699 is designed to protect the business interests of a small subset of the publishing industry, failing to ensure that the interests of all stakeholders in the research process are adequately balanced.

Scientific progress depends on the broadest possible dissemination of knowledge, and the subsequent building upon the work of others. To this end, the highly successful NIH Public Access Policy currently ensures that the results of our nation's \$29 billion annual investment in biomedical research reach the broadest possible audience. The Policy simply requires that, in exchange for receiving federal research dollars, grantees make a copy of any electronic manuscript reporting on the results of that research available online via the agency's PubMed Central database within 12 months of appearing in a peer-reviewed journal.

The Policy ensures equitable public access to the results of NIH's publicly funded research and encourages scientists and researchers to collaborate and accelerate the development of cutting-edge research. It expands the user base for publicly funded research, giving researchers on campuses who could not previously afford these articles access to this work. It puts scientists in the commercial sector – particularly in smaller businesses and start-ups - on a more level playing field, increasing the competitiveness of a crucial sector of the American economy.

The NIH Policy also provides the American public with a permanent archive of publicly funded

research, ensuring that research can be built on for decades to come. It provides transparency in our investment in scientific research, giving the public an important tool to ensure that our federal agencies are accountable when it comes to how research dollars are spent.

H.R. 3699 would overturn this vital policy, rolling back the gains that the public has made in these crucial areas. It would prohibit any other federal agency from enacting similar policies, stifling our nation's ability to effectively leverage our investment in scientific research in areas other than the biomedical sciences, including areas such as energy research, sustainable agriculture, and green technology.

At a time when our focus should be on providing mechanisms to encourage innovation, fuel the development of new ideas, and stimulate job creation – H.R. 3699 does exactly the opposite. It imposes restrictions on access to peer-reviewed research results that benefit one small sector of an industry, rather than encourage their use by the widest possible audience.

While we respect the stated intention of the proposed legislation to “ensure the continued integrity of peer-reviewed research works,” we object to the premise that any contribution made by the private sector to coordinating the peer review process should be valued more than that of researchers who carry out the peer review, or those of universities, colleges, research labs and other institutions who pay their salaries so that they can continue to do so. We cannot support legislation that does not adequately balance the interests of all of the stakeholders in the research process.

We fully respect copyright law and the protection it affords content creators, owners, and users. The NIH Public Access Policy operates fully within current U.S. Copyright law as articles reporting on NIH-funded research are copyrightable, and the copyright belongs to the author. The NIH Policy requires only the grant of a non-exclusive license to NIH, fully consistent with federal policies such as Circular A-110 and Circular A-102. The author is free to transfer some or all of the exclusive rights under copyright to a journal publisher or to assign these anywhere they so choose – a freedom crucial to the authors of scientific articles, who rightly want to determine where and how their work is distributed.

Under H.R. 3699, authors of articles reporting on federally funded research would face a new restriction. The proposed bill requires authors to seek the permission of a publisher before their work can be distributed through an online, networked government channel such as NIH's PubMed Central, even if they themselves - as the author of the work and the relevant rights holder – have already consented to do so, potentially limiting the authors ability to distribute their work as widely as they may wish.

The NIH Public Access Policy has a proven track record of delivering positive benefits to the public without causing harm to the publishing industry. It provides access to more than a half a million unique users each day, including health care professionals, patients, caregivers and their families, who rely on the accessibility of this information to improve their understanding of medical conditions they are facing as well as their quality of care.

Given the success of this Policy, we oppose any legislation that would undermine its proven effectiveness, such as H.R. 3699. We look forward to working with you to ensure that the NIH Public Policy continues to serve science, the research community and the public, and that similar policies be enacted across all federal science agencies.

Sincerely,

American Association of Law Libraries

www.aallnet.org

Contact: Emily Feltren (202-942-4233)

American Library Association

www.ala.org

Contact: Corey Williams (202-628-8410)

Association of Academic Health Sciences Libraries

www.aahsl.org

Contact: Gary Freiburger (521-626-6121)

Association of College and Research Libraries

www.acrl.org

Contact: Kara Malenfant (312-280-2510)

Association of Research Libraries

www.arl.org

Contact: Prudence Adler (202-296-2296)

Creative Commons

www.creativecommons.org

Contact: Tim Vollmer (650-294-4732)

Greater Western Library Alliance

www.gwla.org

Contact: Joni Blake (913-370-4422)

Public Knowledge

www.publicknowledge.org

Contact: Gigi Sohn (202-518-0020)

Public Library of Science

www.plos.org

Contact: Donna Okubo (415-624-1213)

SPARC (Scholarly Publishing & Academic Resources Coalition)

www.arl.org/sparc

Contact: Heather Joseph (202-296-2296)