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ADVANCING SCIENCE, SERVING SOCIETY

March 16, 2015

The Honorable Kevin McCarthy
House Majority Whip
U.S. House of Representatives
Washington, DC 20515

Dear Representative McCarthy:

As leading U.S. science, engineering, and academic institutions, we are writing to once again express our concerns regarding the Secret Science Reform Act of 2015 (H.R. 1030). We encourage you and your colleagues to take additional time to evaluate the unintended consequences of this bill before passing it on the House floor.

The research community is concerned about how some of the key terms in the bill could be interpreted or misinterpreted, especially terms such as "materials," "data," and "reproducible." Would the Environmental Protection Agency (EPA) be excluded from utilizing research that involved physical specimens or biological materials that are not easily accessible? How would the agency address research that combines both public and private data?

With respect to reproducibility of research, some scientific research, especially in areas of public health, involves longitudinal studies that are so large and of great duration that they could not realistically be reproduced. Rather, these studies are replicated utilizing statistical modeling. The same may be true for scientific data from a one-time event (e.g., Deepwater Horizon Gulf oil spill) where the data are gathered in real time. We could foresee a situation in which the EPA would be constrained from making a proposal or even disseminating public information in a timely fashion.

Finally, the legislation could impose additional uncompensated burdens of cost and effort on those recipients of federal research grants where the research results are expected to be "relied on to support a covered action." The bill is not clear on whether it is the EPA's or the research institution's responsibility to cover the costs associated with sharing and archiving this information.

The Office of Science and Technology Policy (OSTP) is working with federal agencies to establish access to data policies that relate "to the dissemination and long-term stewardship of the results of unclassified research, including digital data and peer-reviewed scholarly publications." Agencies are beginning to issue their data access policies, and given the complexities associated with access to research data as outlined above we suggest that Congress wait to review the agency policies before imposing new statutory requirements.

American Association for the Advancement of Science
1200 New York Avenue, NW, Washington, DC 20005 USA
Tel: 202 326 6600 Fax: 202 289 4950
www.aaas.org

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