

January 15, 2018

Dear Member of Congress:

We, the undersigned organizations involved in scholarly communication, write in opposition to the “Fair Access to Science and Technology Research Act of 2017” (S. 1701/H.R. 3427). These bills are unnecessary, counterproductive, and would significantly harm the system of peer-reviewed scholarly communication that supports science, scholarship, and innovation. They would reduce the ability of publishers to invest in education, research, and digital platforms that advance and help ensure the quality and integrity of science and discovery.

Publishers support the public’s ability to search, access, and review journal articles that report on government-funded research, and they have worked for many years to provide wide access to the articles they publish. Our organizations work with researchers, physicians, and other practitioners, as well as federal agencies, libraries, and others involved in supporting science and the scholarly record to improve the impact of research and enable the communication of research. We seek to continue to work collaboratively with Congress, the Administration, and the responsible federal agencies to develop a coordinated approach to public access that respects the diverse needs of the scholarly community.

S. 1701 and H.R. 3427 are unnecessary and counterproductive because science funding agencies are already implementing public access plans to promote free access to articles reporting on federally funded research, as previously directed by Congress in the America COMPETES Act of 2010 and implemented under a 2013 directive from the White House Office of Science and Technology Policy. The legislation would impose significant new and harmful regulatory requirements, requiring agencies to restart their processes and delaying implementation. Therefore, these bills could in fact undermine the very goals they seek to advance.

Under the legislation’s inflexible mandates, restrictive license terms, and an unrealistic limit on opportunities to recoup their investments, many scientific societies and other scholarly publishers would be unable to continue the work we do to advance science, health, and innovation. This work includes managing the peer review process, revision, and copyediting; preparing manuscripts; creating extensive links to related research; providing electronic and print distribution; and ensuring discovery and deposit into long-term archives. Not only could it be devastating to the integrity of the scholarly record, it would also negatively impact jobs throughout the scholarly publishing ecosystem.

We urge you to oppose these bills and instead to focus on providing oversight to agency regulations and the implementation of existing agency plans to ensure they best support American strength in discovery and innovation, and the system of scholarly communication upon which that innovation depends.

Sincerely yours,

AIP Publishing

*Alliance of Crop, Soil, and Environmental
Science Societies (ACSESS)*

American Anthropological Association

American Association for Cancer Research

American Association for Dental Research

American Association of Anatomists

American Association of Immunologists

American Astronomical Society

American College of Cardiology (ACC)

American College of Physicians

American College of Rheumatology

American College of Veterinary Radiology

American Dairy Science Association

American Dental Association (ADA)
American Geophysical Union
American Geriatrics Society
American Institute of Aeronautics and Astronautics (AIAA)
American Institute of Chemical Engineers (AIChE)
American Institute of Physics
American Mathematical Society
American Meteorological Society
American Oil Chemists' Society (AOCS)
American Physiological Society
American Society for Laser Medicine and Surgery, Inc.
American Society of Agricultural and Biological Engineers (ASABE)
American Society of Agronomy
American Society of Cataract and Refractive Surgery (ASCRS)
American Society of Civil Engineers (ASCE)
American Society of Cytopathology (ASC)
American Society of Hematology (ASH)
American Society of Plant Biologists
American Society of Plant Taxonomists
American Society of Transplant Surgeons
American Society of Transplantation
American Speech-Language-Hearing Association
ASME
Association for Public Policy Analysis and Management
Association for the Sciences of Limnology and Oceanography
Association of American Publishers (AAP)
Association of Learned and Professional Society Publishers (ALPSP)
Berghahn Books
Brill
Common Ground Research Networks
Content Ed Net LLC
Crop Science Society of America
Ecological Society of America
Elsevier
Emerald Group Publishing
FirstForum Press
GeoScienceWorld
Hogrefe Publishing Corp
Human Factors and Ergonomics Society
Human Kinetics
IEEE
Illuminating Engineering Society
Institute of Industrial and Systems Engineers (IISE)
Institute of Public Administration of Canada
Institution of Agricultural Engineers
International Association for Dental Research
International Association of Scientific, Technical, and Medical Publishers (STM)
Kumarian Press
Lynne Rienner Publishers, Inc.
McGraw-Hill Education
National Kidney Foundation
The Optical Society (OSA)
Silverchair
SLACK Incorporated
Society of Cardiovascular Computed Tomography
Society of Nuclear Medicine and Molecular Imaging (SNMMI)
Software and Information Industry Association (SIIA)
Soil Science Society of America
Springer Nature
Springer Publishing Company
Taylor & Francis
The Independent Institute
Thieme Publishers
Wiley
Wolters Kluwer

Publishers Support Balanced Public Access Regulations

The scholarly publishing sector is a pillar of America's global competitiveness and economic growth. Scholarly publishers support almost 40,000 jobs across the United States and provide researchers, engineers, physicians and other professionals with both the information and distribution outlets they need to make and announce discoveries that advance knowledge, create innovative new products and services, and improve medical care.

Scholarly publishers provide broad access to high-quality peer-reviewed scholarly articles, preserve the integrity of the scholarly record and enable the necessary investments in the dissemination of knowledge to help advance science, scholarship and innovation. Our ongoing support of public access includes several initiatives and public-private partnerships launched by publishers that improve access to and the discoverability of content. These include CHORUS (www.chorusaccess.org), Crossref (www.crossref.org), ORCID (www.orcid.org), and others.

Scholarly publishers support public access policies to make articles that report on taxpayer-funded research widely available and discoverable in a manner that:

- Supports academic freedom by empowering authors to publish in journals they feel have greatest potential to reach target audiences and advance their area of research;
- Preserves the maximum possible funding for research, rather than diverting resources to duplicative infrastructure or burdensome compliance mechanisms;
- Protects intellectual property rights, which enable publishers to sustainably invest in and disseminate peer-reviewed literature and export worldwide;
- Fosters partnerships between the research community, librarians, agencies and other stakeholders to advance scholarship in order to drive innovation and progress;
- Respects the needs of different research communities and disciplines through appropriate and flexible evidence-driven public access policies (e.g., variable embargo periods); and
- Facilitates the continuing development of a competitive marketplace and sustainable business models.

Public access regulations must be balanced to expand access without burdening researchers or undermining the research publishing enterprise. We cannot support public access policies that:

- Are economically unsustainable, undermining market-driven innovation or the quality and integrity of scholarly research;
- Prevent federal agencies from entering into public-private partnerships and flexibly adapting to changing technologies and academic practices;
- Contain one-size-fits-all post-publication embargoes that do not rely upon evidence or account for differences between and among academic disciplines; or
- Contain licensing restrictions that effectively diminish the value of intellectual property rights, including by way of compulsory open license policies or other requirements that undermine basic copyright principles.

High-quality, peer-reviewed scholarly communication is essential to U.S. growth, innovation, and economic strength. Scholarly publishers urge continued support for flexible, evidence-based agency policymaking that will ensure the continued integrity and availability of the scholarly and scientific record. We urge the rejection of untested and rigid policy mandates lacking the evidence necessary to prevent unintended negative consequences for science and scholarly communication.

The following have endorsed the statement of support for balanced public access regulations:

AIP Publishing
Alliance of Crop, Soil, and Environmental Science Societies (ACSESS)
American Anthropological Association
American Association for Cancer Research
American Association for Dental Research
American Association of Anatomists
American Association of Immunologists
American Astronomical Society
American Chemical Society
American College of Cardiology (ACC)
American College of Physicians
American College of Rheumatology
American College of Veterinary Radiology
American Dairy Science Association
American Dental Association (ADA)
American Geophysical Union
American Geriatrics Society
American Institute of Aeronautics and Astronautics (AIAA)
American Institute of Chemical Engineers (AIChE)
American Institute of Physics
American Mathematical Society
American Meteorological Society
American Oil Chemists' Society (AOCS)
American Physiological Society
American Society for Laser Medicine and Surgery, Inc.
American Society of Agricultural and Biological Engineers (ASABE)
American Society of Agronomy
American Society of Cataract and Refractive Surgery (ASCRS)
American Society of Civil Engineers (ASCE)
American Society of Hematology (ASH)
American Society of Plant Biologists
American Society of Plant Taxonomists
American Society of Transplant Surgeons
American Society of Transplantation
American Speech-Language-Hearing Association
ASME
Association for Public Policy Analysis and Management
Association for the Sciences of Limnology and Oceanography
Association of American Publishers (AAP)
Association of Learned and Professional Society Publishers (ALPSP)
Berghahn Books
Brill
Common Ground Research Networks
Content Ed Net LLC
Crop Science Society of America
Ecological Society of America
Elsevier
Emerald Group Publishing
FirstForum Press
GeoScienceWorld
Hogrefe Publishing Corp
Human Factors and Ergonomics Society
Human Kinetics
IEEE
Illuminating Engineering Society
Institute of Industrial and Systems Engineers (IISE)
Institute of Public Administration of Canada
Institution of Agricultural Engineers
International Association for Dental Research
International Association of Scientific, Technical, and Medical Publishers (STM)
Kumarian Press
Lynne Rienner Publishers, Inc.
McGraw-Hill Education
New England Journal of Medicine
The Optical Society (OSA)
Rockefeller University Press
Silverchair
SLACK Incorporated
Society of Cardiovascular Computed Tomography
Society of Nuclear Medicine and Molecular Imaging (SNMMI)
Society of Toxicology
Software and Information Industry Association (SIIA)
Soil Science Society of America
Springer Nature
Springer Publishing Company
Taylor & Francis
The Independent Institute
Thieme Publishers
Wiley
Wolters Kluwer