

The Honorable Lamar Smith
Chairman, Committee on Science, Space, and
Technology

The Honorable Eddie Bernice Johnson
Ranking Member, Committee on Science,
Space, and Technology

CC: Members of the Committee on Science, Space, and Technology

Re: Opposition to Section 303 of the Frontiers in Innovation, Research, Science, and Technology Act of 2014 (FIRST Act)

May 19, 2014

We, the undersigned organizations, write to express our opposition to language contained in Section 303 of the Frontiers in Innovation, Research, Science, and Technology Act of 2014 (FIRST Act).

Our organizations believe that taxpayers deserve open, timely access to the results of taxpayer-funded research. Any other dynamic is tantamount to double-taxation: with taxpayers paying once to fund the research and paying a second time to access the results thereof. Moreover, allowing ready access to publicly funded work benefits our economy, and society more generally, by increasing the likelihood that said research findings will be utilized by a broader audience, thus spurring innovation, economic growth, and creating jobs.

The broad principle of open access to taxpayer-funded research is backed not only by our organizations, but also by the publishing industry proper, which issued the following statement:

“Publishers share the goal of the House Science Committee, the White House, and others around the country to enable public access to high-quality peer-reviewed research articles.”—Association of American Publishers letter to Chairman

In February of 2013, the White House Office of Science and Technology Policy (OSTP) issued a Directive on Public Access to the Results of Federally Funded Research, which put the U.S. on a path to ensuring stronger adherence to open access standards. The Directive requires "Federal agencies with more than \$100M in annual R&D expenditures to develop plans to make the published results of federally funded research freely available to the public within one year of publication." Said agencies have since submitted draft policies in accordance with the Directive which are in the process of being reviewed by the White House. We anticipate the release of these plans in the coming weeks.

Sadly, rather than supporting basic open access principles, Section 303 contravenes them, and undermines the progress that has been made towards achieving open access by:

1) Allowing for a 24-month embargo period during which the results of publicly funded research may be withheld from the public – an unconscionably long delay, which is completely out of step with policies currently established in the U.S and around the world.

2) Allowing for an **additional** 12-month extension of this already too-long embargo window.

3) Duplicating the efforts of the OSTP memorandum and needlessly delaying the implementation of agencies' open access plans by 18 months or more.

We urge you to do right by taxpayers by amending the FIRST Act so as to modify section 303, with language that supports the ongoing implementation of strong open access mandates across the federal government.

Sincerely,

Campaign for Liberty

Demand Progress

Liberty Coalition

R Street