



June 18, 2010

The Honorable John D. Rockefeller
Chairman
Committee on Commerce, Science
and Transportation
United States Senate
Washington, DC 20510

The Honorable Kay Bailey Hutchison
Ranking Member
Committee on Commerce, Science,
and Transportation
United States Senate
Washington, DC 20510

The Honorable Bart Gordon
Chairman
Committee on Science and Technology
United States House of Representatives
Washington, DC 20515

The Honorable Ralph M. Hall
Ranking Member
Committee on Science and Technology
United States House of Representatives
Washington, DC 20515

Dear Chairmen and Ranking Members:

On behalf of the Medical Library Association (MLA) and Association of Academic Health Sciences Libraries (AAHSL) we are writing to express our concerns about Section 123 of the America COMPETES Reauthorization Act of 2010 (H.R. 5116).

MLA and AAHSL work to promote access to quality health information for the health care community and the public. Our organizations played a strong leadership role in supporting development of the National Institutes of Health (NIH) Public Access Policy, and we are extremely satisfied with the successful implementation of the policy by NIH and the National Library of Medicine (NLM).

NLM, as the world's largest biomedical library and part of the NIH, plays a pivotal role in translating the results of the \$32 billion of NIH-funded biomedical research into practice and developing electronic information services that provide scientists, health professionals, and the public with access to the Library's online information resources. NLM established and operates PubMed Central, the free, digital archive of peer reviewed, full-text biomedical journal articles, into which NIH grantees must deposit their manuscripts in accordance with the NIH Public Access Policy.

We are pleased by House passage of the America COMPETES Reauthorization Act of 2010 (H.R.5116) and by efforts to extend public access policies to other federal science agencies. As work continues to complete action on the America COMPETES legislation, MLA and AAHSL urge that the final legislation avoid interference with the ongoing operation of NIH's highly successful Public Access Policy and its PubMed Central archive.

Since April 2008, 4,500 new biomedical manuscripts have, on average, been deposited into PubMed Central each month in response to the mandatory NIH Public Access Policy. Thousands more articles are deposited on a voluntary basis by publishers, bringing the total number of articles in PubMed Central close to 2 million. PubMed Central facilitates readership by hundreds of thousands of researchers and millions of Americans. It is estimated that on a typical weekday, about 420,000 unique users access PubMed Central and retrieve approximately 740,000 articles.

Section 123 of the America COMPETES Reauthorization Act of 2010 instructs the Director of the Office of Science and Technology Policy (OSTP) to establish an interagency public access committee under the National Science and Technology Council to coordinate Federal science agency research and policies related to the dissemination and long-term stewardship of the results of unclassified research, including digital data and peer-reviewed scholarly publications, supported wholly, or in part, by funding from the Federal science agencies.

While we support efforts to coordinate agency efforts to develop and implement public access policies, we are concerned that specific language in the bill may interfere with continued implementation of and enhancements to the NIH Public Access Policy.

Of particular concern are provisions at Section 123(b)(1) and Section 123(b)(5) that call for the Working Group to “coordinate the development or designation of *uniform standards* for research data, the structure of full text and metadata, navigation tools, and other applications to achieve interoperability across Federal science agencies, across science and engineering disciplines, and between research data and scholarly publications, taking into account existing consensus standards, including international standards,” and to “establish priorities for coordinating the development of any Federal science agency policies related to public access to the results of federally funded research to *maximize uniformity* of such policies with respect to their benefit to, and potential economic or other impact on, the science and engineering enterprise and the stakeholders thereof.”

By calling for uniform standards across scientific fields and uniformity in the benefit and impacts of public access policies across agencies, the provisions would almost undoubtedly have an effect on the implementation of the NIH Public Access Policy and may result in the need to rework existing standards for the structure of full text and metadata, search, retrieval, and navigation tools, and other applications thereby undermining implementation of a program that already functions efficiently and effectively.

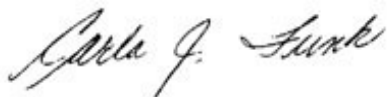
If language similar to Section 123 of the House bill is to be included in the final COMPETES bill, MLA and AAHSL recommend that language similar to that below be added to mitigate adverse effects on the NIH policy:

Nothing in this section shall be construed to affect any provision found in Division G, Title II, Section 218 of PL 110-161, or efforts that have been taken to implement this provision (Consolidated Appropriations Act, 2008).

We also call to your attention Section 123(f) of the bill, which expresses a sense of Congress that "peer review is an important part of the process of ensuring the integrity of the record of scientific research, and that the National Science and Technology Council working group established under this section should take into account the role that scientific publishers play in the peer review process." MLA and AAHSL agree that peer review plays an important role in ensuring the integrity of the scientific record. In our experience, public access policies do not alter peer review processes, the role that publishers play in managing the process, or the role that the scientific community plays in conducting it. Instead by applying only to peer reviewed scientific articles, such policies highlight and reinforce the importance of peer review.

MLA and AAHSL affirm our support of expansion of public access policies across the Federal government. We believe that public access enables researchers to realize new discoveries more quickly, encourages a more open exchange of information from the research community, strengthens the bench-to bedside approach of translational research, and enhances the affordability and distribution of scientific and scholarly research. Since establishment of the NIH Public Access Policy, health care professionals who practice evidence-based medicine (EBM) can more easily apply the best available evidence to patient care because the scientific research is freely available online. However, in order for the research enterprise and public to realize the maximum benefit afforded by public access, MLA and AAHSL urge that the development of new policies should work in harmony with existing programs and policies.

Sincerely,



Carla J. Funk, CAE
Executive Director
Medical Library Association



Connie Poole, AHIP
President
Association of Academic Health Sciences Libraries

MLA is a nonprofit, educational organization with approximately 4,000 health sciences information professionals and institutions worldwide. Founded in 1898, MLA provides lifelong educational opportunities, supports a knowledgebase of health information research, and works with a global network of partners to promote the importance of quality information for improved health to the health care community and the public.

AAHSL is composed of the directors of the libraries of 116 accredited U.S. and Canadian schools as well 28 associate members. AAHSL's goals are to promote excellence in academic health sciences libraries and to ensure that the next generation of health practitioners is trained in information seeking skills that enhance the quality of healthcare delivery.

