June 28, 2010

The Honorable John P. Holdren  
Director  
Office of Science and Technology Policy  
Executive Office of the President  
725 17th Street Room 5228  
Washington, DC 20502

Dear Director Holdren:

We write today regarding your office’s involvement in formulating public access policies for science and technology funding agencies across the federal government, and to share our concerns with respect to any policy that would mandate free public access for all published materials about federally funded research.

The Office of Science and Technology Policy (OSTP) began the rulemaking process regarding public access policies with Notice and Request for Public Comment published in the Federal Register on December 9, 2009. If promulgated, a rule to require free access to peer-reviewed science journal articles after just a short period of exclusivity would be detrimental to researchers, editors, publishers and scientific societies. In 2008, the National Institutes of Health instituted a policy requiring that “all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine’s PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication.”¹ This mandate has the potential to harm the viability of health-related scientific journals.

As you go forward with the rulemaking process, we would urge you to consider a public access policy similar to that used by the National Science Foundation, which expands access to the results of federally funded research while protecting the value added by publishers of such research. It is important to note the distinction between federally funded research and the published product of that research, and strike a balance between giving the American people access to research paid for by their tax dollars while

still protecting the intellectual property and copyright protected material that belongs to
the publishers.

Thank you in advance for your consideration. If you have any questions, please
do not hesitate to contact Molly Boyl of the minority staff at (202) 225-5074.

Sincerely,

Darrell Issa  
Ranking Member

Carolyn Maloney  
Member of Congress

Cc: The Honorable Edolphus Towns, Chairman