

April 27, 2022

The Honorable Chuck Schumer
Majority Leader
United States Senate
S-221 U.S. Capitol
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
H-232 U.S. Capitol
Washington, DC 20515

The Honorable Mitch McConnell
Minority Leader
United States Senate
S-230 U.S. Capitol
Washington, D.C. 20510

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
H-204 U.S. Capitol
Washington, D.C. 20515

Dear Leader Schumer, Speaker Pelosi, Leader McConnell, and Leader McCarthy:

On behalf of the undersigned publishers, scientific societies, associations, and research-related organizations dedicated to advancing scientific communication, we urge you to oppose the inclusion of Section 2527(b) of the U.S. Innovation and Competition Act (“USICA”) in the final conferenced legislation. Section 2527(b), purportedly offered to improve “public accessibility of research funded by taxpayers,” would instead undercut the public’s interest in scientific and scholarly integrity, which is key for progress across science, medicine, and academic scholarship.

Current federal policy is delivering public access. Our organizations have partnered with federal agencies to make millions of peer-reviewed journal articles freely available to the public on an ongoing basis. During the COVID-19 crisis, publishers also voluntarily made hundreds of thousands of additional articles freely available, acting first independently and later in coordination with the Administration and federal agencies.

Section 2527(b) would disrupt the current policy framework, which is working well precisely because it is flexible and collaborative. Section 2527(b) would undermine our organizations’ ability to support the integrity of research, which we do by investing in rigorous, validated information that scientists, doctors, engineers, researchers, and the public can rely upon. The scientific and scholarly ecosystem requires both dynamic partnership *and* investment to maximize the taxpayer’s ROI in federally funded research. Moreover, Section 2527(b) would operate at cross-purposes with other proposed provisions of USICA, which aim to facilitate and bolster research integrity and public trust in science and to also recognize the importance of a robust intellectual property regime.

We share Congress’s commitment to enhancing research integrity, transparency, and impact. Our organizations support the public’s ability to search, access, and review journal articles that report on government-funded research, while being mindful of the reality that ongoing investment is necessary to ensure those articles are appropriately and reliably vetted and curated. This is essential for upholding the credibility and scientific integrity of the fruits of this research and maintaining the public’s trust in the scientific record. We seek to continue to work in partnership with Congress, the Administration, and federal agencies to develop a coordinated approach to public access that respects the diverse needs of the scholarly community, and we would welcome opportunities to work on equitable and innovative approaches that address these needs.

We are grateful that the House-passed America COMPETES Act (H.R. 4521) did not include the language in Section 2527(b) of USICA. This language, which was highly controversial when it was last introduced in the 115th Congress, was not considered in committee at any point in this Congress before being added to USICA. In fact, the language has not been addressed by any congressional committee in over six years, and its inclusion in USICA came as a complete surprise to affected stakeholders.

In closing, the language in Section 2527(b) of USICA would fail to achieve, and in fact would frustrate, its stated goal. We urge you to ensure that it is not included in the final bill.

Sincerely,

American Academy of Child and Adolescent Psychiatry (AACAP)
American Academy of Ophthalmology
American Academy of Periodontology
American Association for Cancer Research
American Association for Dental, Oral, and Craniofacial Research
American Association for Marriage and Family Therapy
American Association for Pediatric Ophthalmology and Strabismus (AAPOS)
American Association for the Surgery of Trauma
American Association of Immunologists
American Ceramic Society
American Chemical Society
American College of Cardiology
American College of Medical Genetics and Genomics (ACMG)
American College of Physicians
American College of Rheumatology
American Council on Consumer Interests
American Counseling Association
American Dental Association
American Diabetes Association
American Gastroenterological Association
American Geriatrics Society
American Institute of Aeronautics and Astronautics
American Institute of Biological Sciences
American Medical Association
American Physical Society
American Physiological Society
American Psychological Association
American Society for Public Administration
American Society of Agronomy
American Society of Andrology
American Society of Anesthesiologists (ASA)
American Society of Animal Science
American Society of Civil Engineers (ASCE)
American Society of Hematology
American Society of Plant Biologists
American Society of Transplant Surgeons
American Thoracic Society

ASM International
ASME
Association for Information Science & Technology
Association of American Publishers
Biophysical Society
Common Ground Research Networks
Copyright Clearance Center
Council of Scientific Society Presidents (CSSP)
Crop Science Society of America
Eastern Finance Association
Ecological Society of America
Elsevier
Entomological Society of America
Geological Society of America
Heart Rhythm Society
Infectious Diseases Society of America
Institute of Industrial & Systems Engineers
International Journal of Hydrogen Energy
International Society of Political Psychology
National Council on Family Relations
National Groundwater Association
National Kidney Foundation
NEJM Group
Optica Publishing Group, formerly OSA
Policy Studies Organization
Society for Cardiovascular Angiography
Society for Consumer Psychology
Society for Industrial and Applied Mathematics (SIAM)
Society for Mining, Metallurgy & Exploration
Society of Biological Psychiatry
Society of Cardiovascular Computed Tomography
Society of Plastics Engineers
Software and Information Industry Association (SIIA)
Soil Science Society of America
Springer Nature
STM
Taylor & Francis
The American Neurological Association
The Minerals, Metals & Materials Society
The Physiological Society
The Society for Leukoctye Biology
The Society of Thoracic Surgeons
The Southwestern Social Science Association
Western Economic Association International
Wiley
Wolters Kluwer

Cc: Members of the USICA—COMPETES Conference Committee