



American Association of Law Libraries



American Library Association



Association of College & Research Libraries



Association of Research Libraries



Greater Western Library Alliance



Public Knowledge



Public Library of Science



SPARC



Special Libraries Association

September 5, 2008

Subcommittee on Courts, the Internet, and Intellectual Property  
Committee on Judiciary  
U.S. House of Representatives  
2138 Rayburn House Office Building  
Washington, DC 20515

To the Honorable Representative Berman,

On behalf of nine national and regional library, publishing, and advocacy organizations, we are writing to express our long-standing and strong support for the National Institutes of Health (NIH) Public Access Policy. The U.S. government funds research with the expectation that new ideas and discoveries from the research will propel science, stimulate the economy, and improve the lives and welfare of Americans. Public support for science is enhanced when the public directly sees the benefits from our nation's investment in scientific research.

Scientific research is advanced by broad dissemination of knowledge, and the subsequent building upon the work of others. To this end, the NIH Public Access Policy ensures that the results of our nation's \$29 billion annual investment in research reach the broadest possible audience. The Policy requires that, in exchange for receiving federal research dollars, grantees deposit the final electronic manuscript of their peer-reviewed research results into PubMed Central, NIH's digital archive, to be made publicly available within 12 months.

The Policy achieves several notable goals: First, it ensures broad public access to the results of NIH's publicly funded research, allowing scientists and researchers throughout the country – indeed the world – to collaborate and engage in cutting-edge research. Such availability acts as a “leveler,” expanding the potential user base, allowing for greater sharing of information and the spurring of medical advances and innovations.

Second, the Policy ensures that the U.S. government has a long-term permanent archive of the research results that we have collectively funded. This archive of critical biomedical research ensures that scientists and others can build on the work of others now and for future generations.

Finally, it provides welcome accountability and transparency to the government, and assists the NIH in better managing our investments in its research portfolio. This will, over time, translate into better health care both here and abroad by accelerating the pace of research.

At the direction of Congress, the NIH Public Access Policy was recently revised to require that NIH grantees deposit their manuscripts in lieu of doing so voluntarily. Congress' leadership on

this Policy has been validated. Since the Policy became mandatory in early April, the deposit rate has increased from 10% to almost 60%. This change ensures that the more than 80,000 articles resulting from NIH funding each year will, for the first time, be available to any researcher, physician, faculty member, student or member of the public who wants access.

Some in Washington have expressed concerns about the rights of authors under the NIH Public Access Policy. As library organizations we fully respect copyright law and the protection it affords content creators, content owners, and content users. NIH-funded research is copyrightable and copyright belongs to the author. The NIH Policy requires only the grant of a non-exclusive license to NIH, fully consistent with federal policies such as Circular A-110 and Circular A-102. This policy leaves the author free to transfer some or all of the exclusive rights under copyright to a journal publisher or to assign these anywhere they so choose. Attached please find an issue brief detailing how the NIH Public Access Policy does not affect copyright law.

We understand that the Subcommittee on Courts, the Internet and Intellectual Property will be conducting a hearing on the NIH Public Access Policy, and we hope this will provide an opportunity to better understand the importance and strategic value of the Policy as it advances science, improves access by the public to federally funded research, provides for effective archiving strategies for these resources, and ensures accountability of our federal investment. Given the proven success of the revised NIH Public Access Policy, we will oppose any change to the current Policy that would undermine its proven effectiveness. We look forward to working with you to ensure that the NIH Public Policy continues to serve science, the research community and the public.

Sincerely,

American Association of Law Libraries

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Public Library of Science

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Special Libraries Association

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Attachment (1)