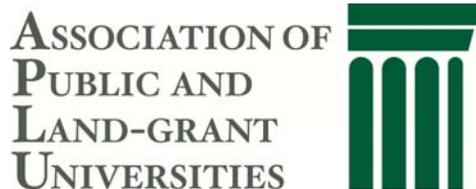




ASSOCIATION OF
AMERICAN UNIVERSITIES



February 13, 2012

The Honorable John Cornyn
U.S. Senate
517 Hart Senate Office Building
Washington, DC 20510

Dear Senator Cornyn:

We write to express our strong support for the goals of the Federal Research Public Access Act (FRPAA), which would establish public access research repositories in all major federal research funding agencies. The federal government invests substantially in university research - \$33 billion in FY 2009 – and that investment has produced tremendous benefits for the nation’s economic competitiveness, national security, and the quality of life of its citizens.

The highly effective Public Access Policy of the National Institutes of Health (NIH) demonstrates how the development of the Internet and digital technologies have made it possible to expand dramatically access to the results of federally funded research. NIH’s PubMed Central provides free public access to more than 2.3 million articles, editorials and manuscripts reporting on NIH-funded research and more. FRPAA calls for all federal agencies funding \$100 million or more in extramural research expenditures to create comparable Federal research public access policies.

The legislation wisely calls for each agency’s public access policy to provide for free public access to the results of research that it funds and assure the interoperability and long-term preservation of that information. The legislation also provides agencies with the flexibility to establish their own digital repositories or employ other repositories that meet the preceding conditions and are consistent with agency missions. We would encourage that to the extent practicable, the agencies should follow common procedures for deposition of papers, thereby substantially reducing the complexity and cost of compliance.

Currently, eleven federal agencies provide \$100 million or more in annual research funding to universities and other non-profit research institutions. If these agencies all build and interconnect public access repositories of the peer-reviewed articles developed from the research they fund, the results of the federal government’s investment in university research could be freely accessed by the public and would provide an extraordinarily valuable, interoperable database of research findings for use by scientists and scholars across all disciplines.

FRPAA includes provisions intended to accommodate the essential work of publishers in developing and disseminating high-quality, peer-reviewed journal articles. The legislation provides for an embargo period of up to six months between the publication of an article in a peer-reviewed journal and the appearance of the final accepted manuscript of that article in an agency’s public access repository. Both the embargo period and the required submission of the final accepted manuscript rather than the final published version of the paper

recognize the appropriate domain of private sector publishing and the need for subscription journal publishers to recover their very real costs of publishing.

We are concerned that the six-month embargo provided in FRPAA may be too short a period of time for some journal publishers, resulting in a loss of subscriptions and threatening their business operations. We note that NIH's Public Access Policy calls for an embargo period of up to 12 months. Moreover, Section 103 of the America COMPETES Reauthorization Act (P.L 111-358), which creates an Interagency Public Access Committee and directs that committee to carry out a number of activities to coordinate federal agency policies governing the dissemination and stewardship of research results, calls for agencies to collaborate with external stakeholders in the development of federal public access policies.

We encourage you to amend the embargo provision of FRPAA to extend its duration to a maximum of 12 months in line with NIH's policy. An alternative approach would be for each agency to establish its embargo period in consultation with its external stakeholders, in accord with the provisions of Section 103 of the America COMPETES Act.

Overall, we believe that FRPAA is sound legislation that will expand public access to the results of federally funded research and create the infrastructure to support a growing public/private network of interoperable repositories of research articles and data across all disciplines. Such a network will greatly increase access to and use of new knowledge for scientists and scholars.

We commend you for the introduction of this important legislation, and look forward to working with you through the legislative process.

Sincerely,



Hunter R. Rawlings III
President
AAU



Peter McPherson
President
APLU

cc: Senate Committee on Homeland Security and Governmental Affairs
Senator Ronald Lee Wyden
Senator Kay Bailey Hutchison