



Alliance for Taxpayer Access

www.taxpayeraccess.org

February 10, 2009

To the Honorable Representative John Conyers
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515
Via Fax

Dear Representative Conyers;

On behalf of the more than 80 patient, consumer, research, and publisher organizations that represent the Alliance for Taxpayer Access, I write to ask that you **OPPOSE HR 801**, “The Fair Copyright in Research Works Act,” and support policies that ensure that the public can access and benefit from the results of research that their tax dollars underwrite.

H.R.801 would reverse the successful National Institutes of Health (NIH) Public Access Policy, as well prevent all U.S. federal agencies from enacting policies that ensure taxpayers – including scientists, doctors, patients, and researchers – are able to access research funded with taxpayer dollars in a timely fashion.

The NIH Public Access Policy ensures that critical biomedical research is made readily accessible to those who need it. Expanded sharing of this material ensures members of the public – including patients and their caregivers - have access to recent medical information that may improve the quality of medical care and provide access to life-saving therapy. The NIH policy delivers an accelerated return on the taxpayers' investment, stimulates further discovery and innovation, and advances the translation of this knowledge into public benefits. Since the policy, which was first implemented as a voluntary measure in 2005, was made mandatory in April 2008, the percentage of the more than 80,000 manuscripts funded each year by NIH manuscripts made available for public use has risen from 19% to 60%. The NIH policy is written and has thrived within the constraints of current U.S. copyright law.

As of today, the NIH database contains more than 70,000 articles on hypertension research, 85,000 on diabetes research, and more than 75,000 on heart disease research. As citizens whose tax dollars underwrite this research, we have a right to expect that crucial details of the most recent medical advancements in these areas are made available not only to us, but also to doctors and caregivers whose responsibilities are the health and long life of all Americans. Access to up-to-date, health-related information plays a crucial role in ensuring that patients are as educated as possible about their individual situations, including the latest therapies.

Citizens routinely turn to the Internet – and resources such as the NIH’s PubMed Central database – as a source of information. They expect that they will have access to the very latest results generated by a public agency like the National Institutes of Health and many are shocked to find out that, before this policy was implemented, this was simply not the case. Before the NIH Public Access Policy was implemented, the only way to access the results of this crucial research was to pay again to access it through journals whose subscription fees range from a few hundred to several thousand dollars per year. Given the high price of these journals, many universities, college, nursing schools, and public libraries cannot afford access, and they – and the people who rely on them – simply have to go without.

The NIH policy has been implemented, as directed by Congress, in a manner entirely consistent with current copyright law. It relies on a simple contract term; if an investigator chooses to receive NIH funding, he/she accepts certain reasonable conditions, including deposit of the resulting manuscript with PubMed Central so that it can be made publicly accessible. The NIH policy creates neither a statutory exception nor a limitation to an investigator’s copyright and, as such, serves the interests of the author, the agency, and the public.

The NIH Public Access Policy is staunchly supported by the higher education, library, and research communities – including dozens of Noble Prize winners – as a means to address the costly barriers that have impeded so many from accessing vital information, and as an opportunity for all communities to benefit from access to publicly funded information in an equitable, timely and affordable manner.

H.R. 801 affects not only biomedical research results stemming from NIH funding, but also scientific research underwritten by **all** other federal agencies. Access to critical information on energy, the environment, climate change, and hundreds of other areas that directly impact the lives and well being of the public would be unfairly limited by this proposed legislation.

The advancement of scientific research in biomedical research – indeed, in all disciplines – has significant implications for all Americans. The Alliance for Taxpayer Access believes that H.R. 801 will undermine the broad accessibility of federally funded research results. We urge you to oppose this bill, and to support successful policies that encourage access, including the NIH Public Access Policy.

Thank you for considering our views. Please contact me if you need further information on our long-standing commitment to the success of crucial public access policies.

Sincerely,

A handwritten signature in cursive script that reads "Heather Joseph".

Heather Joseph, Spokesperson
(202) 296-2296 ext 157 (heather@arl.org)

cc: House Committee on the Judiciary



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AIDS Action Baltimore - MD
AIDS Vaccine Advocacy Coalition - NY
American Association of Law Libraries - DC
American Library Association - DC
American Medical Student Association - VA
Amherst College Library - MA
Arthritis Foundation - DC
Asian & Pacific Islander American Health Forum - DC
Association of Academic Health Sciences Libraries - WA
Association of Cancer Online Resources - NY
Association of College & Research Libraries - IL
Association of Maternal and Child Health Programs - DC
Association of Research Libraries - DC
Association of Southeastern Research Libraries - GA
Autism Speaks (formerly National Alliance for Autism Research) - DC
Autosomal Recessive Polycystic Kidney Disease and Congenital Hepatic Fibrosis Alliance (ARPKD/CHF Alliance) - PA
Barth Syndrome Foundation - FL
Boston College Libraries - MA
Boston Library Consortium - MA
Bowdoin College Library - ME
Bowling Green State University Libraries - OH
Carnegie Mellon University Libraries - PA
Chemists Without Borders - Canada
Chordoma Foundation - NC
Christopher Reeve Foundation - DC
Colorectal Cancer Coalition - DC
Committee for Economic Development - DC
Consumer Project on Technology (CPTech) - DC
CUNY – City College Libraries - NY
Cutaneous Lymphoma Foundation (formerly Mycosis Fungoides Foundation) - MI
Coalition for Heritable Disorders of Connective Tissue - DC
Colorado State University - CO
Conquer Fragile X Syndrome - FL
The Creutzfeldt-Jakob Disease (CJD) Foundation - OH
Cystinosis Research Network - IL
Denison University – William H. Doane Library - OH
Down Syndrome Treatment and Research Foundation - CA
Eastern Kentucky University Libraries - KY
Emory University Libraries - GA
Essential Action - DC
Facing Our Risk of Cancer Empowered (FORCE) - FL
Francis Countway Library of Medicine (Harvard Medical School) - MA
FreePatentsOnline
Genetic Alliance - DC
Global Neuroscience Initiative Foundation - WA
GNU EPrints - UK
Greater Western Library Alliance - MO
International Mosaic Down Syndrome Association (IMDSA) - TX
International Journal of Medical Sciences - MD
IP Justice - CA
IsoDicentric 15 Exchange, Advocacy and Support (IDEAS) - OR
Kent State University Libraries - OH
Linda Hall Library of Science, Engineering & Technology - MO
Loyola University Chicago Libraries - IL
Medical Education Online - MI
National Coalition for PKU & Allied Disorders - MA
National Fragile X Foundation - MI
National Tay-Sachs & Allied Diseases Association - MA
New England Biolabs - MA
Oberlin College - OH
Ohio Library and Information Network - OH
Parent Project Muscular Dystrophy - OH
Planetree - CT
Prader-Willi Syndrome Association - FL
Public Knowledge - DC
Public Library of Science - CA
Pseudoxanthoma Elasticum (PXE) International - DC
Scholarly Publishing and Academic Resources Coalition (SPARC) - DC
South Dakota State University, Hilton M. Briggs Library - SD
Special Libraries Association - VA
Spina Bifida Association of America - DC
Students for Free Culture - FL
Swarthmore College - PA
Tourette Syndrome Association - DC
Trinity University Coates Library - TX
Tufts University Libraries - MA
Universities Allied for Essential Medicines - NJ
University of Colorado at Boulder Libraries - CO
University of Connecticut Libraries - CT
University of Kansas - KS
University of New Hampshire - NH
University of Wisconsin – Madison Libraries - WI
University of Wisconsin Oshkosh – Forrest R. Polk Library - WI
Utah Academic Library Consortium - UT
Wayne State University College of Nursing - MI
Williams College Libraries - MA
Y-ME National Breast Cancer Organization - IL