



**Professional & Scholarly
Publishing (PSP) Division
Executive Council 2006-2007**

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American Chemical Society

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Blackwell Publishing, Inc.

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The Rockefeller University Press

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Columbia University Press

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Science+Communications, Inc*

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New England Journal of Medicine

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May 23, 2006

The Honorable Susan M. Collins
Chair
Committee on Homeland Security and Governmental Affairs
340 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Collins,

Our Executive Council is writing to you on behalf of member publishers within the Professional and Scholarly Publishing Division of the Association of American Publishers (AAP/PSP), as well as other concerned publishers among the undersigned, to express our strong opposition to S. 2695, the Federal Research Public Access Act. This bill, which has been referred to your Committee, would require that final manuscripts of peer-reviewed journal articles based on federally-funded research be made freely available on government-run websites six months after publication by commercial and not-for-profit private sector publishers. This unnecessary legislation would adversely impact the existing peer review system that ensures the high quality of scientific research in the United States. In addition, it would impose costly new mandates on federal agencies.

The diverse publishers whose concerns are shared by the undersigned are responsible for coordinating the publication of thousands of journal titles reporting on basic research and original scholarship, disseminating collectively tens of thousands of refereed research articles by US-funded researchers annually. Included within our international base of authors, customers, and readers are hundreds of thousands of authors and professionals within US-based institutions and scholarly associations. We hasten to point out that researchers who have access to US Government research funds also already have widespread access to our published information through their laboratories, universities, and private industry. Such access to the peer-reviewed literature emanating from the international community is essential to maintaining research competitiveness.

There is a misconception that the peer review process is provided by volunteer experts at no cost to publishers. This is simply not true. Commercial and not-for-profit publishers invest hundreds of millions of dollars each year in the existing process of independent peer review. This important step in the publishing process ensures that all research articles undergo rigorous technical review by experts in specialized fields prior to publication.

Although peer reviewers themselves are typically not paid, publishers incur considerable staff, capital, and operational costs to manage the peer review system and to meet the requirements of thousands of peer reviewers and journal editors. Publishers also provide the software and networked systems that enable authors to submit articles across the web, significantly decreasing the time to publication. Publishers have developed, deployed, and continue to refine complex systems that enable distributed groups of editors to manage the peer review process, track document flow, and balance workload among designated peer reviewers in leading research centers around the world. In addition, publishers also curate and manage online databases of journal content, and invest substantially in the technical editing, typesetting and graphics, and complex tagging and indexing required for the dissemination and archiving of research studies both in print and online.

Peer review is a critical part of scientific publishing. It gives authors feedback on and validation of their analyses from other experts in their field. It guides readers as they select research to study by assuring them that experts in their field have vetted it. It provides academic tenure and promotion committees with a vital tool to evaluate the quality of faculty work. It is a means by which librarians compare value across journals. A journal's reputation builds over time through its application of rigorous peer review and stringent editorial criteria, to transform raw manuscripts into documents of considerable value. The proposed legislation takes no account of this value. S. 2695 would effectively expropriate the substantial investments in peer review made by professional and scholarly journal publishers—many of them scholarly not-for-profit societies.

Publishers have suggested that government agencies should simply publish their grantees' interim/official progress reports/data on government operated web sites, but we have been told that without peer review performed by established journals, the public would view the postings as non-validated research claims. Funding agencies thus acknowledge the significant value that peer-review adds, yet S. 2695 would effectively confiscate the value-added investments in peer-reviewed content made by publishers. As proposed, S.2695 represents an unfunded mandate that would be undertaken without compensation to the original publisher.

S. 2695 is unnecessary and duplicates existing mechanisms that enable the public to access scientific and medical journal research. It would require the affected federal agencies to develop and maintain costly electronic repositories. To do so, agencies will need to divert millions of dollars away from federal research grants and towards the databases' costs. In an environment of ever-shrinking budgets, we strongly believe every agency research dollar should be spent on scientific advancement and not on back-office administrative costs. There is no need for federal agencies to replicate content on their own sites when web-linking approaches to publishers' authoritative versions could serve better the same goal of public access. Acting on its own in the free market, the publishing industry already has made more research information available to more people than at any time in history. Articles are widely available in major academic centers, as well as via public libraries through subscription, license, pay-per-view, and private-sector online databases, as well as through public libraries and state universities, and interlibrary loan programs. Many professional, academic and business organizations also provide professionals with access to the scientific literature. For example, the voluntary efforts of scholarly associations publishing with Stanford University's HighWire Press (<http://highwire.stanford.edu/>) have already made in excess of 1.2 million research articles freely available in final published form—with extensive cross-linking enabled via technologies such as the Digital Object Identifier and CrossRef (www.crossref.org). In addition, ground-breaking health literacy initiatives such as patientINFORM (www.patientInform.org, a partnership among publishers and leading voluntary health organizations) allow the general public immediate and free access to the latest medical research in a patient-friendly manner.

By requiring the wholesale open posting of research articles on the web by essentially all major US funding agencies, S. 2695 positions the government to become a competitor of independent publishers operating within the private sector in a well-established marketplace. By depositing articles in databases with no access controls,

federal agencies would be asking the American taxpayer to subsidize the dissemination of information to anyone in the world with access to the internet-- including those corporations around the world that now are obliged to purchase information about US-funded research. A government mandate for agencies to require that peer-reviewed articles be made freely available so soon after they are published would act as a disincentive for publishers to sustain their investments in this process and in the innovative publishing technologies that they have fostered for disseminating authoritative research globally. Smaller publishers, particularly professional associations that maintain one or few peer-reviewed journals as part of their scholarly mission, are concerned that their publishing activities would be jeopardized by the economic consequences of this proposed legislation. Such unintended consequences cannot be good for US research competitiveness. S. 2695 is a “one-way experiment” with attendant risks of failure and collateral damage that US research simply cannot afford.

For these reasons, we urge you to oppose S.2695 and to prevent any attempts to advance this legislation.

Sincerely,



Brian D. Crawford, PhD
Chairman, PSP Executive Council, Association of American Publishers

The Undersigned

- American Anthropological Association
- American Association of Anatomists
- American Association for Clinical Chemistry (AACC)
- The American Association of Immunologists
- American Chemical Society
- American Dairy Science Association
- American Geophysical Union
- American Institute of Aeronautics & Astronautics (AIAA)
- American Institute of Physics
- American Physiological Society
- The American Psychological Association
- American Society of Animal Science
- American Society of Civil Engineers
- American Society for Investigative Pathology
- American Society for Nutrition (ASN)
- American Society for Pharmacology and Experimental Therapeutics
- The American Society for Photogrammetry and Remote Sensing (ASPRS)
- American Society of Plant Biologists
- Aries Systems Corporation
- The Association of American Geographers
- Association of Learned and Professional Society Publishers (ALPSP)
- The Biochemical Society
- Biophysical Society
- Blackwell Publishing, Inc.

- BMJ Publishing Group
- The British Psychological Society
- Cambridge University Press
- Central European Science Journals
- Cold Spring Harbor Laboratory Press
- Columbia University Press
- Elsevier
- Emerald Group Publishing Limited
- The Endocrine Society
- Entomological Society of America
- The Federation of American Societies for Experimental Biology (FASEB)
- The Gerontological Society of America
- Health Affairs
- Histochemical Society
- Human Factors and Ergonomics Society
- Infectious Diseases Society of America
- International Microelectronics And Packaging Society
- John Wiley & Sons, Inc.
- Lippincott Williams & Wilkins
- Lynne Rienner Publishers, Inc.
- Marine Technology Society
- Massachusetts Medical Society, Publishers of the New England Journal of Medicine
- The McGraw-Hill Companies
- New Zealand Veterinary Journal
- Optical Society of America
- The Ornithological Council
- Oxford University Press
- The Physiological Society
- Poultry Science Association
- The Protein Society (and its official publication, Protein Science)
- The Rockefeller University Press
- Royal Society of Chemistry
- SAGE Publications
- ScholarOne
- Society for Experimental Biology and Medicine
- Society for General Microbiology
- The Society of Naval Architects and Marine Engineers
- Society of Petroleum Engineers
- Society for the Study of Reproduction
- SPIE – The International Society for Optical Engineering
- Whiting & Birch Ltd
- Woodhead Publishing