

Subject: Re: HR 3699, the Research Works Act

Date: January 11, 2012 9:52:03 PM EST

Dear Sirs, Madams, and Mr. President,

Reps. Maloney and Issa have recently submitted a bill (HR 3699, the Research Works Act, that would prevent compliance with the NIH Public Access Policy (<http://www.gpo.gov/fdsys/pkg/PLAW-110publ161/pdf/PLAW-110publ161.pdf>), which states:

"The NIH Public Access Policy implements Division G, Title II, Section 218 of PL 110-161 (Consolidated Appropriations Act, 2008). The law states:

'The Director of the National Institutes of Health shall require that all investigators funded by the NIH submit or have submitted for them to the National Library of Medicine's PubMed Central an electronic version of their final, peer-reviewed manuscripts upon acceptance for publication, to be made publicly available no later than 12 months after the official date of publication: Provided, That the NIH shall implement the public access policy in a manner consistent with copyright law.'"

The NIH enacted this policy to allow the free availability of medical and environmental data for the purposes of promoting and developing research, including and especially the promoting of treatments for a variety of diseases including cancers, AIDS, and so forth. This policy, sadly, comes against a right of publishing houses to raise fees for the access to their works, including but especially digital copies of papers published within their journals. The Association of American Publishers is a prominent support of HR 3699, has opposed enforcement of the NIH Public Access Policy, ostensibly on the grounds that it infringes on their ability to make money, while the policy itself allows a 1 year (12 month) grace period between initial publication and the requirement that the works be made public in PubMed Central.

It is implicit that the professional and medial public gain clarification of this conflict between what is clear business right of profit and the public need for openly available data. Public interest, as well as public health, is benefited immensely by the NIH Public Access Policy, while the Research Works Act would seek to close a door of access for scientists to use popular and effective journals to disseminate their publications to a wide audience.

With all due respect,

Cheers,

Jaime A. Headden

The Bite Stuff (site v2)

<http://qilong.wordpress.com/>

"Innocent, unbiased observation is a myth." --- P.B. Medawar (1969)

"Ever since man first left his cave and met a stranger with a different language and a new way of looking at things, the human race has had a dream: to kill him, so we don't have to learn his language or his new way of looking at things." --- Zapp Brannigan (Beast With a Billion Backs)