

July 29, 2015

The Honorable Ron Johnson
Chairman
Homeland Security and Governmental Affairs
Committee
U.S. Senate, Hart Building
Washington, DC 20510

The Honorable Thomas R. Carper
Ranking Member
Homeland Security and Governmental Affairs
Committee
U.S. Senate, Hart Building
Washington, DC 20510

RE: SIIA Opposition to S. 779, Fair Access to Science and Technology Research Act of 2015 (FASTR)

Dear Chairman Johnson and Ranking Member Carper,

On behalf of the Software & Information Industry Association (SIIA), thank you for maintaining an open dialogue to address many of the private sector concerns with the Fair Access to Science and Technology Research Act of 2015 (S. 779, FASTR). Despite the improvements to bring the legislation more in-line with the essential guiding principles previously outlined by the Senate in the America COMPETES Act and by the White House Office of Science and Technology Policy (OSTP), SIIA still opposes various provisions in the legislation that are unclear and threaten to undermine the American research.

As we articulated in our letter on July 23rd, SIIA supports the ongoing agency-by-agency process of adopting balanced public access plans to promote access to federally-funded research. S. 779 continues to stray from this approach in many key areas, including:

- S. 779 would impose overly expansive provisions allowing re-use of articles that go well beyond the OSTP memorandum and pose numerous technology and policy questions related to formats, licensing terms and use of copyrighted and trademarked works that have yet to be considered by Congress, the Administration, agencies and other stakeholders.
- The language on repositories is still inconsistent and could be interpreted to encourage agencies to develop federal repositories. SIIA strongly favors a system that recognizes the value innovative public-private partnerships.

- The petitions process appears to suggest that petitions be made, on an article-by-article basis. This presents an impractical approach that differs from the current OSTP policy that enables petitions to be made for a specific field of research.
- The bill still calls for embargoes to be preferably shorter than 12 months. OSTP established a 12 month guideline, and many publishers believe 12 months is even too short to be sustainable.

SIIA urges you and members of the Committee to oppose S. 779 and to allow the ongoing agency-by-agency process of adopting balanced public access plans to promote access to federally-funded research.

Sincerely Yours,

A handwritten signature in black ink that reads "Ken Wasch". The signature is written in a cursive, flowing style.

Ken Wasch
President

cc: Members of the Homeland Security and Governmental Affairs Committee