

5/6/2020

Dr. Kelvin K. Droegemeier
Director, Office of Science and Technology Policy
Eisenhower Executive Office Building
1650 Pennsylvania Avenue NW
Washington, DC 20504

Sent via email

Re: Request for Information: Public Access to Peer-Reviewed Scholarly Publications,
Data and Code Resulting From Federally Funded Research

Dear Dr. Droegemeier,

On behalf of the Software & Information Industry Association (SIIA), I want to thank the White House Office of Science and Technology Policy (OSTP) for the opportunity to provide input regarding public access to peer-reviewed scholarly publications, data, and code resulting from federally funded research.

SIIA is the principal trade association of the software and digital information industries, representing over 800 member companies that develop and market software and electronic content. Our members include electronic publishers whose investments provide the public with a wide variety of information products and services covering nearly every subject matter imaginable, including publishers of peer-reviewed scientific literature, books that incorporate findings from government research, as well as databases and graphics that assist researchers in better analyzing, understanding and using research information. These industries produce significant knowledge-based, value-added jobs to our economy and our Nation's innovation base.

SIIA is committed to a policy framework that respects intellectual property rights and preserves the ability of our membership to invest in high-quality publications. This is

why we are concerned to hear that OSTP is considering mandating that any journal article that reports on federally-funded research be made available for free immediately upon publication, a dramatic change from the twelve-month post-publication embargo period that currently exists.

Journal articles are not free to produce. They require significant investment on the part of private sector publishers to collect, review, and distribute high caliber scholarly articles. To maintain these standards, publishers must first solicit submissions and review articles for quality (some journals rejecting as many as 90 percent), and then send their selections out for peer review to be vetted for accuracy and integrity. As part of the peer review process, editors are responsible for training and managing reviewers to meet strict disclosure and evaluation standards. Only after an article undergoes this rigorous process of selection, peer review, and editorial review is it able to be published. This process occurs entirely in the private sector and at private expense. Scholarly publishers are not a party to federal grants or research funds and instead rely upon subscriptions revenue to cover expenses.

A requirement to make all articles that report on federal-funded research freely available would leave scholarly publishers little choice other than to shift business models away from a pay-to-read (subscription) model to a pay-to-publish (open access) model, where by authors would be responsible for securing funds to cover publishing fees so that the underlying article is free to read immediately. There are more than 224,000 scientific articles published each year that report on federally-funded research, and a conservative estimate of the average open access publishing fee is about \$2750. Simple arithmetic reveals that such a shift would require more than \$600 million per year in additional or diverted funding from the United States government, where no additional or diverted funding is required today.

Under current law, the Copyright Act (17 U.S.C. § 101 et seq.) provides incentives that allow publishers to fund peer review and produce quality scientific articles without government funding. Those incentives were constitutionally designed to encourage private parties to engage in producing publications of these kinds of works, and had the

salutary effect of preventing the government from undue influence over who may publish or where. The pay-to-publish open access model, a model already widely offered by publishers in the marketplace, is currently used by approximately 20% of authors whose articles report on federally-funded research. The question OSTP should be asking is why only 20% uptake for pay-to-publish with 80% of authors choosing pay-to-read? What incentives structures contribute toward the preference for pay-to-read, and how can those be overcome? A requirement that federally-supported researchers publish only in open access journals without a robust discussion about and serious commitment to making pay-to-publish model sustainable at a scale of 224,000 articles per year is irresponsible.

If the embargo period is zero, the government will have—by fiat—rendered subscription sales impossible for many members, and created a recurring obligation on itself to fund scientific publishing. There is no alternative (much less recurring) funding source for these works. The result will be the destruction of a well-functioning business model that has existed for 200-plus years, and threatens the ability of publishers to invest in the production and distribution of scholarly articles.

It's the Wrong Time to Experiment with Scientific Publishing

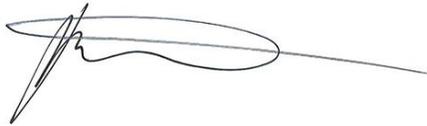
The wide availability of quality scientific research now available are a direct result of such investments. Scientific publishers were quick to respond to the COVID-19 crisis and have been working tirelessly to help doctors and researchers understand and combat the pandemic. Accurate and reliable information is critical in the fight against COVID-19, and many publishers have established their own free resource pages and are collaborating with the U.S. government to ensure an even broader community has free access to this vital research. Furthermore, publishers are ensuring that many of the articles being made available for free are in a machine-readable format so that artificial intelligence (AI) tools can be utilized to extract even more information.

Without reliable peer reviewed scholarly communication supported by sustainable business models, it will be harder for scientists to communicate research when the next

pandemic arrives. Rather than standing on the shoulders of giants, the next generation of scientists may face a dearth of information. Now is not the time to impose a one-size-fits-all approach to the current flexible business models that are working well in the publishing sector.

For the preservation of high caliber scientific communication, and the integrity of the peer review process that makes it possible, SIIA urges the Administration to refrain from lowering post-publication embargo periods. When exploring approaches to scholarly communication, it's imperative that the Administration works collaboratively with all concerned stakeholders to assess the broad impacts of any potential measure and guard against unintended consequences before implementing them more widely. SIIA and our member companies look forward to working with OSTP moving forward. Please contact Jesse Spector, Director of Technology Policy, at (202) 789-4473 or jspector@siaa.net for any questions or requests for further information.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jesse Spector', with a long horizontal line extending to the right.

Jesse Spector
Director, Technology Policy
Software & Information Industry Association