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November 3, 2006

The Honorable Ralph Regula
Chairman, Subcommittee on Labor,
Health and Human Services
Committee on Appropriations
United States House of Representatives
2358 Rayburn House Office Building
Washington, DC 20515

The Honorable David Obey
Ranking Member, Subcommittee on
Labor, Health and Human Services
Committee on Appropriations
United States House of
Representatives
1016 Longworth House Office
Building
Washington, DC 20515

Dear Chairman Regula and Ranking Member Obey:

Our organizations are writing to urge that you not include any language that would change the National Institute's of Health (NIH) public access policy in the final FY 2007 legislation that includes appropriations for NIH. We represent both commercial and not-for-profit scientific publishers who manage the editorial process of independent expert peer review and invest in diverse publishing activities that ensure the global publication of research studies funded by the NIH.

The NIH Public Access Policy went into effect just last year. We feel it is premature to introduce major changes to the current policy that would transform the current voluntary NIH policy into an unfunded mandate. We believe that the NIH struck a reasonable balance with its 2005 public access policy which allows the public to freely access articles from NIH research 12 months after they are published. We support the concept of public access. However, as Dr. Zerhouni mentioned in his testimony before the House Energy and Commerce Committee during its consideration of NIH reauthorization on September 19th, it is important that it not harm publishers of peer-reviewed articles or non-profit society publishers that depend on subscription revenue for peer review and publishing scientific journals.

Since the policy was adopted, the rate of participation has been low. Accordingly, publishers have developed a set of principles to facilitate implementation of the policy and are working with NIH to increase the deposit of author manuscripts to PubMed Central. In addition, some publishers have begun depositing manuscripts on behalf of authors unless they opt out. These actions, along with a continuing dialogue between publishers and NIH, will increase the rate of participation at PubMed Central without a legislative mandate.

We understand that as you and your Senate colleagues work on the FY 2007 Labor HHS Appropriations bill, numerous issues and differences between the House and Senate bills will need to be resolved. We respectfully ask you to reconsider the House language on the NIH Public Access Policy and remove it in conference. We truly appreciate your leadership on this issue and look forward to working with you in the future.

Sincerely,



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

The Undersigned

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- American Association for Cancer Research
- American Association for Clinical Chemistry
- American Association for Dental Research
- American Chemical Society
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- American Society of Plant Biologists
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- Federation of American Societies for Experimental Biology (FASEB)
- The Gerontological Society of America
- The Histochemical Society
- Human Factors and Ergonomics Society
- Infectious Diseases Society of America

- John Wiley & Sons, Inc.
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