

December 18, 2019

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear President Trump:

The undersigned organizations represent the leading publishers and non-profit scientific societies in the United States. We write to you with deep concern regarding a proposed policy that has come to our attention that would jeopardize the intellectual property of American organizations engaged in the creation of high-quality peer-reviewed journals and research articles and would potentially delay the publication of new research results. The role of the publisher is to advance scholarship and innovation, fostering the American leadership in science that drives our economy and global competitiveness. As copyrighted works, peer-reviewed journal articles are licensed to users in hundreds of foreign countries, supporting billions of dollars in U.S. exports and an extensive network of American businesses and jobs. In producing and disseminating these articles, we make ongoing competitive investments to support the scientific and technical communities that we serve.

As noted above, we have learned that the Administration may be preparing to step into the private marketplace and force the immediate free distribution of journal articles financed and published by organizations in the private sector, including many non-profits. This would effectively nationalize the valuable American intellectual property that we produce and force us to give it away to the rest of the world for free. This risks reducing exports and negating many of the intellectual property protections the Administration has negotiated with our trading partners. We write to express our strong opposition to this proposal, but in doing so we want to underscore that publishers make no claims to research data resulting from federal funding.

To be clear, publishers both support and enable “open access” business models and “open data” as important options within a larger framework that assumes critical publisher investments remain viable. Under a legacy regulation that is still in force today, proprietary journal articles that report on federally funded research must be made available for free within 12 months of publication. This mandate already amounts to a significant government intervention in the private market. Going below the current 12 month “embargo” would make it very difficult for most American publishers to invest in publishing these articles. As a consequence, it would place increased financial responsibility on the government through diverted federal research grant funds or additional monies to underwrite the important value added by publishing.

In the coming years, this cost shift would place billions of dollars of new and additional burden on taxpayers. In the process, such a policy would undermine American jobs, exports, innovation, and intellectual property. It could also result in some scientific societies being forced to close their doors or to no longer be able to support the publication of U.S.-sponsored science that is key to ensuring that the U.S. remains the world leader in science and technology.

In addition to financing and managing a world-leading peer review process, publishers make extensive investments in education, research, and innovative digital platforms that advance American competitiveness and help ensure the quality and integrity of American science. Undermining the marketplace is unnecessary, counterproductive, and would significantly harm the system of peer-reviewed scholarly communication that fuels America's leadership in research and innovation.

We urge you to oppose this proposed policy, and we look forward to working with the Administration on this matter.

Sincerely yours,

AMDA – The Society for Post-Acute and Long-Term Care Medicine

American Academy of Allergy, Asthma & Immunology

American Academy of Child and Adolescent Psychiatry

American Academy of Family Physicians

American Academy of Neurology

American Academy of Ophthalmology

American Academy of Orthopaedic Surgeons

American Academy of Otolaryngology- Head and Neck Surgery

American Academy of Pediatrics

American Association for Anatomy

American Association for Cancer Research

American Association for Pediatric Ophthalmology and Strabismus

American Association for the Study of Liver Diseases

American Association for the Surgery of Trauma

American Association of Immunologists

American Association of Occupational Health Nurses

American Association of Physicists in Medicine

American Astronomical Society

American Cancer Society

American Ceramic Society

American Chemical Society

American College of Cardiology

American College of Emergency Physicians

American College of Obstetricians and Gynecologists
American College of Physicians
American College of Radiology
American College of Rheumatology
American College of Surgeons
American Council on the Teaching of Foreign Languages
American Counseling Association
American Dental Association
American Diabetes Association
American Gastroenterological Association
American Geophysical Union
American Geriatrics Society
American Headache Society
American Heart Association
American Institute of Aeronautics and Astronautics
American Institute of Chemical Engineers
American Oil Chemists Society
American Medical Association
American Neurological Association
American Physiological Society
American Psychological Association
American Sexually Transmitted Diseases Association
American Society for Clinical Pharmacology & Therapeutics
American Society for Nutrition
American Society for Biochemistry and Molecular Biology
American Society for Bone and Mineral Research
American Society for Cell & Gene Therapy
American Society for Clinical Pathology
American Society for Dermatologic Surgery Association
American Society for Investigative Pathology
American Society for Parenteral and Enteral Nutrition
American Society for Pharmacology and Experimental Therapeutics
American Society for Radiation Oncology

American Society of Anesthesiologists
American Society of Agricultural and Biological Engineers
American Society of Agronomy
American Society of Animal Science
American Society of Civil Engineers
American Society of Clinical Oncology
American Society of Cytopathology
American Society of Health-System Pharmacists
American Society of Heating, Refrigerating & Air-Conditioning Engineers
American Society of Hematology
American Society of Mechanical Engineers
American Society of Nephrology
American Society of Neurorehabilitation (ASNR)
American Society of Plastic Surgeons
American Society of Transplantation
American Thoracic Society
American Urological Association
American Water Works Association
Association for Computing Machinery
Association for Molecular Pathology
Association for Psychological Science
Association for the Sciences of Limnology and Oceanography
Association of American Publishers
Association of Schools and Programs of Public Health
Association of Teacher Educators
Biophysical Society
Common Ground Research Networks
Council of Medical Specialty Societies
Council of Scientific Society Presidents
Crop Science Society of America
Ecological Society of America
Elsevier
Endocrine Society

Financial Management Association
Genetics Society of America
Infectious Diseases Society of America
Institute for Operations Research and the Management Sciences
Institute of Industrial and Systems Engineers
International Anesthesia Research Society
International Literacy Association
International Society for Sexual Medicine
Journal of Diabetes Science and Technology, Diabetes Technology Society
Kappa Delta Pi, International Honor Society in Education
Macmillan
Milbank Memorial Fund
National Council on Family Relations
National Kidney Foundation
New England Journal of Medicine published by the Massachusetts Medical Society
Orthopaedic Research Society
Radiological Society of North America
Seismological Society of America
Shock Society
Society for Leukocyte Biology
Society for Research on Adolescence
Society for the Psychological Study of Social Issues
Society for Research in Child Development
Society of Plastics Engineers
Soil Science Society of America
Software and Information Industry Association
The Heart Rhythm Society
The Histochemical Society
The Journal of Bone & Joint Surgery, Inc.
The Minerals, Metals & Materials Society
The Optical Society
The Triological Society
The Voice Foundation

University of Chicago Press
U.S. Chamber of Commerce
Wiley
Wolters Kluwer

Cc: The Honorable Mick Mulvaney, Director, Office of Management and Budget, Acting Assistant to the President and Chief of Staff
The Honorable Wilbur Ross, Secretary of Commerce
The Honorable Mike Pompeo, Secretary of State
The Honorable Mark T. Esper, Secretary of Defense
The Honorable Dan Brouillette, Secretary of Energy
The Honorable Robert Lighthizer, United States Trade Representative
The Honorable Russel Vought, Acting Director, Office of Management and Budget
Joe Grogan, Assistant to the President for Domestic Policy
Larry Kudlow, Director, National Economic Council
Robert Obrien, National Security Advisor
The Honorable Kelvin Droegemeier, Director, Office of Science and Technology Policy
The Honorable Andrei Iancu, Director, United States Patent & Trademark Office
The Honorable Francis Collins, Director, National Institutes of Health
The Honorable France A. Córdova, Director, National Science Foundation
The Honorable Neil Jacobs, Assistant Secretary of Commerce for Environmental Observation and Prediction
The Honorable Vishal Amin, Intellectual Property Enforcement Coordinator