

September 8, 2008

The Honorable Howard Berman
2221 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Berman:

Thank you for your leadership on health care issues and your continued interest in the public access policy of the National Institutes of Health (NIH).

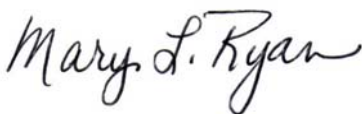
As the Subcommittee on Courts, the Internet and Intellectual Property begins to reexamine the issues of equity surrounding public access, we urge you to support the current NIH policy and actively work to defend its viability.

In January, Congress revised the NIH public access policy, by mandating that all NIH-funded researchers deposit their final, peer-reviewed manuscripts in the National Library of Medicine's (NLM) PubMed Central. Prior to that time, the policy was voluntary. Since the policy was implemented in April, there has been a surge in deposits of this publicly funded health information into PMC. The deposit rate has jumped from less than 10% to 60%, significantly increasing the number of articles resulting from NIH-funded investigation that will become available within the mandatory timeframe to the researchers, physicians, students, and the public who rely on them for critical information. Continuation of this mandatory process will expedite current medical research, improve the quality of medical care, and allow patients to access important studies that are funded with their tax dollars.

As librarians, we support protection of intellectual property through copyright, including the exclusive rights that copyright holders enjoy related to the distribution and use of published materials. However, NIH-funded research represents a unique situation where, in exchange for public funds, investigators are expected to make their information publicly available. This open availability is important to librarians and science because it allows other investigators to build on cutting-edge discoveries more quickly, promotes the free flow of ideas amongst researchers without barriers, adds transparency and further accountability to a previously ambiguous area of federal spending, and speeds up the process of translation of federally funded scientific discovery to better clinical care we can all benefit from. The current NIH policy has shown great promise in accomplishing these tasks, and is doing so in a manner that is completely consistent with copyright law.

The April implementation of the updated NIH public access policy occurred at the direction of Congress after careful deliberation and study. As you are aware, the current policy reflects a compromise between the previous voluntary policy and a six month mandatory deposit requirement; a requirement which has become a standard in Europe and for other areas, such as research funded by private institutions including the Howard Hughes Medical Institute in the U.S. and the Wellcome Trust in the United Kingdom. Given the initial scrutiny that went into developing a new, mandatory NIH public access policy and considering the benefits that the new policy has created thus far, we urge you to support maintaining the present standard. Thank you for your time.

Sincerely,



Mary Ryan, AHIP, FMLA
President
Medical Library Association



Linda Watson, AHIP, FMLA
President
Association of Academic Health
Sciences Libraries

MLA, a nonprofit, educational organization, is comprised of health sciences information professionals with more than 4,000 members worldwide. Through its programs and services, MLA provides lifelong educational opportunities, supports a knowledgebase of health information research, and works with a global network of partners to promote the importance of quality information for improved health to the health care community and the public.

AAHSL is composed of the directors of the libraries of 142 accredited American and Canadian medical schools that belong to the Association of American Medical Colleges (AAMC). AAHSL's goals are to promote excellence in academic health sciences libraries and to ensure that the next generation of health practitioners is trained in information-seeking skills that enhance the quality of healthcare delivery.