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July 27, 2015

The Honorable Ron Johnson  
Chair  
Committee on Homeland Security and Governmental  
Affairs  
United States Senate  
340 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Thomas Carper  
Ranking Member  
Committee on Homeland Security and Governmental  
Affairs  
United States Senate  
442 Hart Senate Office Building  
Washington, DC 20510

The Honorable John Cornyn  
United States Senate  
517 Hart Senate Office Building  
Washington, DC 20510

The Honorable Ron Wyden  
United States Senate  
221 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senators:

I am writing on behalf of the American Chemical Society (ACS) to express our Society's endorsement for the Johnson-Carper substitute amendment to S. 779, The Fair Access to Science and Technology Research bill.

The American Chemical Society (ACS) supports universal access to the results of scientific research via sustainable publishing models and ensuring the integrity and permanence of the scholarly record upon which scientific progress is based. Central to its mission, the ACS seeks to maximize the dissemination of knowledge through economically self-sustaining publishing models. Access to the authoritative scientific record as embodied in peer-reviewed journal articles is essential to basic research innovation and ensuring that the United States remains a competitive global economic leader.

ACS, in particular, supports the following provisions of the legislation:

- **12 month embargo period:** This embargo ensures broad public access while ensuring the sustainability of scientific publisher supported peer review.
- **Evidence-based petitions:** S. 779, as amended, provides for an evidence-based petition process to allow for revising the embargo period for a specific field of science, balancing sustainable peer review and public access.
- **Agency Repository Flexibility:** The amendment authorizes federal agencies to determine the most efficient and cost-effective means to establish and maintain their public access capabilities, including how best to manage their respective article and data repositories.

As you move forward in the legislative process, we respectfully suggest that the bill, or the accompanying committee report, be strengthened to empower GAO to evaluate the cost effectiveness of federal agency compliance costs of maintaining and operating public access capabilities, and assess the impact of the bill's implementation on IP rights holders. We especially note the requirements related to productive reuse and computational analysis could prove to have significant, if unintended, harmful consequences, and the current bill language seems to prejudge that a licensing solution would be called for, rather than GAO's consideration of other available options. We believe this will improve taxpayer transparency of the legislation's enactment.

We applaud your hard work on this legislation and appreciate your inclusive approach to addressing the many stakeholder viewpoints involved in this issue. Should you have any question, please do not hesitate to contact me or Glenn Ruskin in the Office of Public Affairs, [g\\_ruskin@acs.org](mailto:g_ruskin@acs.org) or 202-872-4475.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "T. M. Connelly, Jr.", with a stylized flourish at the end.

T. M. Connelly, Jr.