

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 Academy of Physical Medicine and Rehabilitation

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 Neuropsychopharmacology  
American College of Obstetricians and Gynecologists  
American College of Physicians  
American College of Radiology  
American College of Rheumatology  
American College of Surgeons  
American Contact Dermatitis Society  
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 Psychiatric Association  
American Psychological Association  
American Sexual Health Association  
American Sexually Transmitted Diseases Association  
American Society for Clinical Pharmacology & Therapeutics  
American Society for Biochemistry and Molecular Biology  
American Society for Bone and Mineral Research  
American Society for Clinical Pathology  
American Society for Dermatologic Surgery Association  
American Society for Histocompatibility and Immunogenetics

American Society for Investigative Pathology  
American Society for Nutrition  
American Society for Parenteral and Enteral Nutrition  
American Society for Pharmacology and Experimental Therapeutics  
American Society for Radiation Oncology  
American Society for Reproductive Medicine  
American Society of Agricultural and Biological Engineers  
American Society of Agronomy  
American Society of Anesthesiologists  
American Society of Animal Science  
American Society of Civil Engineers  
American Society of Clinical Oncology  
American Society of Cytopathology  
American Society of Gene & Cell Therapy  
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 Ophthalmic Plastic and Reconstructive Surgery  
American Society of Plant Biologists  
American Society of Plastic Surgeons  
American Society of Transplantation  
American Society of Transplant Surgeons  
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  
Botanical Society of America  
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 Food Technologists  
Institute of Industrial and Systems Engineers  
International Anesthesia Research Society  
International Literacy Association  
International Skeletal Society  
International Society for Sexual Medicine  
Journal of Diabetes Science and Technology, Diabetes Technology Society  
Kappa Delta Pi, International Honor Society in Education  
Macmillan  
McGraw-Hill Education  
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 Research in Child Development  
Society for the Psychological Study of Social Issues  
Society of General Internal Medicine  
Society of Plastics Engineers  
Society of Surgical Oncology  
Society of Vascular and Interventional Neurology  
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 O'Brien, 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. Córdoba, 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