

July 31, 2023

Chairwoman Kay Granger  
Subcommittee Chairman Harold Rogers  
Congress of the United States  
House of Representatives  
Committee on Appropriations, H-307 The Capitol  
Washington, DC 20515

Dear Chairwoman Granger and Subcommittee Chairman Rogers,

**RE: Response to House Appropriations Committee release of the Fiscal Year 2024 bill for the Commerce, Justice, Science, and Related Agencies Subcommittee<sup>1</sup>**

In our capacity as representatives of leading fully Open Access research publishers and Open Science platforms, we submit our objection to the draft language<sup>2</sup> in the Subcommittee's FY24 spending bill<sup>3</sup> that blocks implementation of the Office of Science and Technology Policy's (OSTP) August 2022 guidance to make federally funded research freely available without delay.

As a group of global publishers, we share a single aim – the transition to fully open scientific communication for the benefit of all parts of society. We believe the restriction of funds as outlined in Sec 552 of the bill is detrimental to this goal. We strongly support the OSTP guidelines which we believe represent a significant policy advancement for global scientific and academic research.

If enacted, the current Appropriations Bill will prevent American taxpayers from seeing the societal benefits of the more than \$90 billion in scientific research that the U.S. government funds each year, as most of the research remains locked behind publishing paywalls. And it will remove the current requirement for commercial publishers to adapt their business models to make public access to science fair. Science for the few who can access it – as opposed to the many who pay for it – is inefficient as scientific or governmental policy.

The political and societal move towards Open Science is well established as the demand for access to all publicly funded research intensifies. The retention of the 12-month embargo, as the Appropriations Bill stipulates, is a retrograde step within the global context of research and access to scientific literature.

As part of an established ecosystem of publishers, funding organizations, and governmental and scholarly institutions, we have seen prominent examples of the collaborative advancement of Open Science:

- The world's largest subscription publishers were transitioning to open policies for years prior to the OSTP announcement, in accordance with the principles

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<sup>1</sup> [Committee Releases FY24 Commerce, Justice, Science and Related Agencies Appropriations Bill, Jul 13, 2023, Press Release.](#)

<sup>2</sup> "SEC. 552. None of the funds made available by this or any other Act may be used to implement, administer, apply, enforce, or carry out the Office of Science and Technology Policy's August 25, 2022, Memorandum to Executive Departments and Agencies entitled, "Ensuring Free, Immediate, and Equitable Access to Federally Funded Research."

<sup>3</sup> [A Bill Making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2024, and for other purposes.](#)

of Plan S<sup>4</sup> and alongside the organizations of cOAlition S.<sup>5</sup> These efforts have received strong support from the Association of Research Libraries,<sup>6</sup> academic societies, and individual researchers.

- Funders such as the Bill & Melinda Gates Foundation<sup>7</sup> and the Howard Hughes Medical Institute<sup>8</sup> have already limited or removed embargoes as a part of their funding mandates.
- Longstanding governmental efforts, such as the NASA Transform to Open Science (TOPS) initiative,<sup>9</sup> increasingly rely on making published results of federally funded research more openly available to researchers and the public.

The United States is a global scientific leader. The inclusion of the current language in relation to Sec 552 would be a block on the advancement of US research and its influence within the international scientific community.

We would be happy to work with the Committee to develop alternative language that maintains the existing direction of Open Science policy and scientific freedom.

Sincerely,

Damian Pattinson  
Executive Director  
eLife

Caroline Edwards  
Executive Director  
Open Library of Humanities

Julia Kostova  
Director  
Frontiers

Peter Binfield  
Publisher & Co-Founder  
PeerJ Inc.

Gunther Eysenbach  
CEO & Publisher  
JMIR Publications

Alison Mudditt  
CEO  
PLOS

Stefan Tochev  
CEO  
MDPI

Brian Hole  
CEO  
Ubiquity Press Inc.

Cc:

Arati Prabhakar, Ph.D.  
Director of the White House Office of Science and Technology Policy, and  
Assistant to the President for Science and Technology

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<sup>4</sup> [The Plan S Principles.](#)

<sup>5</sup> [Organisations endorsing Plan S and working jointly on its implementation.](#)

<sup>6</sup> [ARL Positions on Open Access Principles and Practices.](#)

<sup>7</sup> [Bill & Melinda Gates Foundation Open Access Policy.](#)

<sup>8</sup> [HHMI Announces Open Access Publishing Policy.](#)

<sup>9</sup> [Transform to Open Science \(TOPS\), NASA.](#)