

LINDSEY O. GRAHAM, SOUTH CAROLINA, CHAIRMAN

CHARLES E. GRASSLEY, IOWA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
BEN SASSE, NEBRASKA  
JOSHUA D. HAWLEY, MISSOURI  
THOM TILLIS, NORTH CAROLINA  
JONI ERNST, IOWA  
MIKE CRAPO, IDAHO  
JOHN KENNEDY, LOUISIANA  
MARSHA BLACKBURN, TENNESSEE

DIANNE FEINSTEIN, CALIFORNIA  
PATRICK J. LEAHY, VERMONT  
RICHARD J. DURBIN, ILLINOIS  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
MAZIE HIRONO, HAWAII  
CORY A. BOOKER, NEW JERSEY  
KAMALA D. HARRIS, CALIFORNIA

# United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

## VIA ELECTRONIC TRANSMISSION

December 12, 2019

The Honorable Wilbur Ross  
Secretary  
United States Department of Commerce  
Herbert Clark Hoover Building  
1401 Constitution Avenue, NW  
Washington, DC 20230

The Honorable Mick Mulvaney  
Director  
Office of Management and Budget  
Acting Assistant to the President and Chief of Staff  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Secretary Ross and Director Mulvaney,

I write today because I understand the White House may be in the process of finalizing a new Executive Order which could impact our nation's robust scientific and publishing communities in a substantial and negative way. My understanding is this Executive Order would mandate that scientific journal articles be made available immediately.

I am concerned this policy under consideration would undermine incentives for journal publishers to invest in the publishing and archiving of scientific journal articles. As a consequence, this policy could diminish the high quality of scientific and other scholarly research in the United States, as well as endanger an estimated 40,000 American jobs within the publishing industry. It would also have a detrimental impact on the millions of American researchers, scientists, and medical professionals informed by these journals.

If the current policy is changed – particularly without benefit of public hearings and stakeholder input – it could amount to significant government interference in an otherwise well-functioning private marketplace that gives doctors, scientific researchers and others options about how they want to publish these important contributions to science.

It is my understanding that scientists and researchers currently can choose how the journal articles they submit are published: either under a traditional subscription model or an “open

LINDSEY O. GRAHAM, SOUTH CAROLINA, CHAIRMAN

CHARLES E. GRASSLEY, IOWA  
JOHN CORNYN, TEXAS  
MICHAEL S. LEE, UTAH  
TED CRUZ, TEXAS  
BEN SASSE, NEBRASKA  
JOSHUA D. HAWLEY, MISSOURI  
THOM TILLIS, NORTH CAROLINA  
JONI ERNST, IOWA  
MIKE CRAPO, IDAHO  
JOHN KENNEDY, LOUISIANA  
MARSHA BLACKBURN, TENNESSEE

DIANNE FEINSTEIN, CALIFORNIA  
PATRICK J. LEAHY, VERMONT  
RICHARD J. DURBIN, ILLINOIS  
SHELDON WHITEHOUSE, RHODE ISLAND  
AMY KLOBUCHAR, MINNESOTA  
CHRISTOPHER A. COONS, DELAWARE  
RICHARD BLUMENTHAL, CONNECTICUT  
MAZIE K. HIRONO, HAWAII  
CORY A. BOOKER, NEW JERSEY  
KAMALA D. HARRIS, CALIFORNIA

## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

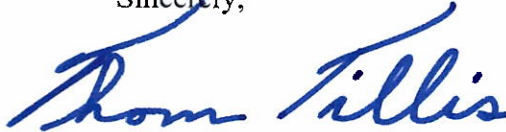
access” model. Under the more traditional subscription model, scientists and researchers have their peer-reviewed articles published with no cost to themselves. This cost is borne by the publishers who are able to recoup most the costs via journal subscriptions.

These costs include the need to review and select the articles worthy of publication, manage the substantial peer-review and editing processes, adding graphics or imbedded images, and ongoing curation. Alternatively, scientists and researchers can choose an “open access” model where they generally provide the funding up front for the peer-review and publication costs, and then the article is immediately available to the public to read. This is currently the case whether the underlying research was funded privately or by the federal government, and research grants do not typically cover the costs related to writing or publishing articles in scientific journals.

As Chair of the Intellectual Property Subcommittee of the Senate Judiciary Committee, I would be happy to work with you and others to ensure that the public is provided access to the results of federally-funded research in a timely manner while also ensuring that the rights of scientific researchers and the publishing community are respected. Given the substantial changes I understand are under consideration, I would greatly appreciate a briefing on the proposed plan and the expected impact of these proposed changes.

Thank you for your prompt attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,



---

Thom Tillis  
Chairman

Subcommittee on Intellectual Property