

## **Talking Points on Section 302 of Proposed “Frontiers in Innovation, Research, Science and Technology Act” (FIRST)**

Specifically, Section 302 of the proposed FIRST Act, under consideration by the House Science, Space and Technology Committee, would:

- Slow the pace of science by restricting public access to articles reporting on federally funded research for up to three years after initial publication. This stands in stark contrast to the policies in use around the world, which call for maximum embargo periods of no more than six to 12 months.
- Fail to support provisions that allow for shorter embargo periods to publicly funded research results, and that take into account the potential harm to stakeholders that can accrue through unnecessarily long delays in being allowed access to the results of publicly funded research.
- Waste further time and taxpayer dollars by calling for a needless, additional 18-month delay for agencies to develop policies in consultation with the National Science and Technology Council. This is a duplication of federal agency work that was required by the White House Office of Science and Technology Policy Directive and has already been completed.
- Impose unnecessary costs on federal agency public access programs, and cause further delay, by conflating access and preservation policies as applied to articles and data. The legislation does not make clear what data must be made accessible, or where such data would reside. Requiring data to reside in the same repository as articles would severely limit the options for federal agencies.
- Limit the effectiveness of the policy by condoning a link to an article on a publisher’s website as an acceptable compliance mechanism. Federal agencies must have access to full text copies of their funded research articles to archive and provide full use to the public, including text mining, data mining and full computational analysis.
- Make it harder for U.S. companies – especially small businesses and start-ups – to access cutting-edge research, thereby slowing their ability to innovate, create new products and services, and generate new jobs.
- Stifle researchers ability to share their own research and to access the works of others', slowing progress towards scientific discoveries, medical breakthroughs, treatments, and cures.

**Instead of imposing roadblocks to public access, we should support federal agencies' implementation of the White House Directive and the bipartisan, bicameral Fair Access to Science and Technology Research (FASTR) Act (H.R. 708/S. 350).**

FASTR builds on the White House Directive by enabling the public to realize the full potential of public access – to accelerate scientific research, to generate innovation, and to spur economic growth and job creation. Specifically, FASTR codifies and advances key provisions of the Directive providing for:

- Immediate deposit of articles to federally owned or approved repositories in formats that enable their productive reuse.
- A maximum embargo period of six months.
- An explicit statement of the terms of use applicable to articles to ensure that their full productive reuse is enabled – including text mining, data mining and full computational analysis by state-of-the-art technologies.