



July 31, 2014

The Honorable Kevin McCarthy
House Majority Whip
U.S. House of Representatives
Washington, DC 20515

Dear Representative McCarthy:

As leading U.S. science, engineering, and academic institutions, we are writing to express our concerns regarding the Secret Science Reform Act of 2014 (H.R. 4012). As the new House Majority Leader we encourage you and your colleagues to take additional time to evaluate the unintended consequences of this bill before considering it on the House floor.

The research community is concerned about how some of the key terms in the bill could be interpreted or misinterpreted, especially terms such as “materials,” “data,” and “reproducible.” Would the Environmental Protection Agency (EPA) be excluded from utilizing research that involved physical specimens or biological materials that are not easily accessible? How would the agency address research that combines both public and private data?

With respect to reproducibility of research, some scientific research, especially in areas of public health, involves longitudinal studies that are so large and of great duration that they could not realistically be reproduced. Rather these studies are replicated, utilizing statistical modeling. The same may be true for scientific data from a one-time event (e.g., Deepwater Horizon Gulf oil spill) where the data are being gathered in real time. We could foresee a situation whereby the EPA would be constrained from making a proposal or even disseminating public information in a timely fashion.

Finally, the legislation could impose additional uncompensated burdens of cost and effort on those recipients of federal research grants where the research results are expected to be “relied on to support a covered action.” The bill is not clear on whether it is the EPA’s or the research institution’s responsibility to cover the costs associated with sharing and archiving this information.

The America COMPETES Reauthorization Act of 2010 required that the Office of Science and Technology Policy (OSTP) work with federal agencies to establish access to data policies that relate “to the dissemination and long-term stewardship of the results of unclassified research, including digital data and peer-reviewed scholarly publications.” Agencies are expected to finalize their data access policies by the end of the year, and given the complexities associated with access to research data as outlined above we suggest that the Congress wait to review the agency policies before imposing new statutory requirements via H.R. 4012.

American Anthropological Association
American Association for the Advancement of Science
American Geophysical Union
American Geosciences Institute
American Meteorological Society
American Physical Society (APS Physics)
American Political Science Association
American Society for Microbiology (ASM)
American Society of Agronomy
American Society of Civil Engineers
Association for the Sciences of Limnology and Oceanography
Association of American Geographers
Association of American Universities
Association of Public and Land-grant Universities (APLU)
Bard Center for Environmental Policy
Biophysical Society
Brown University
Consortium for Ocean Leadership
Consortium of Social Science Associations
Cornell University
Crop Science Society of America
Duke University
Ecological Society of America
Entomological Society of America
Harvard University
Indiana University
Massachusetts Institute of Technology
National Council for Science and the Environment
Society for Conservation Biology
Soil Science Society of America
Stanford University
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